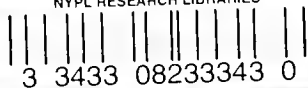


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JOHN WARWICK DANIEL

(Late a Senator from Virginia)

MEMORIAL ADDRESSES

DELIVERED IN THE SENATE
AND THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES

Proceedings in the Senate
February 20, 1911

Proceedings in the House
June 24, 1911

COMPILED UNDER THE DIRECTION OF
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WASHINGTON
1911

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DEATH OF HON. JOHN WARWICK DANIEL

PROCEEDINGS IN THE SENATE

DECEMBER 5, 1910.

The Vice President (James S. Sherman of New York) called the Senate to order at 12 o'clock noon.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whose presence we now stand, look with favor, we pray Thee, upon Thy waiting servants now before Thee, and graciously hear the common supplication which with one heart and with one mind we make unto Thee.

The absent faces remind us anew that it is not in us who walk to direct our steps, and that we are ever dependent upon Thee, without whom not a sparrow falleth. We remember before Thee, our Father, those of our body whom Thou hast called from these earthly courts to Thine higher service, and pray that there as here they may be compassed about by Thine everlasting arms.

And for us, as we gird ourselves for the work to which Thou hast called us, we pray that we may be guided by Thy wisdom, and upheld by Thy strength; that this session, begun in Thy name, may be continued by Thy grace and ended to Thy glory.

And unto the name which is above every name will we render praise, now and forevermore. Amen.

MEMORIAL ADDRESSES: SENATOR DANIEL

Mr. MARTIN. Mr. President, it is my painful duty to announce to the Senate that my late colleague, Hon. JOHN W. DANIEL, departed this life in the city of Lynchburg on the 29th day of June last.

Senator DANIEL had been a Member of the Senate for nearly 24 years, and had been reelected for a fifth term, which would have commenced on the 4th day of March, 1911. I think I may be pardoned for saying that during his long service in the Senate no Member of the body enjoyed in a higher degree than he did the esteem, the confidence, and the affection of his associates. I think I may say, too, that during his long term of service here no State was represented with more ability and fidelity than Virginia was by Senator DANIEL. As a soldier, as a lawyer, as an author, as an orator, and as a statesman he attained great distinction and reflected honor on his State, where he was admired and beloved as no other public man has been in my recollection.

This is not a time, however, for me to indulge in any extended remarks about Senator DANIEL's public services or noble character. Later on I will ask the Senate to set aside a day when proper tribute can be paid to his memory. I send to the desk some resolutions which I ask may be adopted.

I will state that I do not at this time make a motion for the adjournment of the Senate because there are sad tidings from other States, which will have to be communicated to the Senate by other Senators before the motion should be made.

The VICE PRESIDENT. The Secretary will read the resolutions submitted by the Senator from Virginia.

PROCEEDINGS IN THE SENATE

The Secretary read the resolution (S. Res. 287), as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JOHN W. DANIEL, late a Senator from the State of Virginia.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE PRESIDENT. The question is on the adoption of the resolutions.

The resolutions were unanimously agreed to.

JANUARY 24, 1911.

Mr. MARTIN. Mr. President, after conference with my colleague [Mr. Swanson] and with the Senators from Louisiana, and with their concurrence, I desire to give notice that on Monday, the 20th day of February, at half past 2 o'clock, I will ask the Senate to lay aside all other business in order that proper tribute may be paid to the memory of my late colleague, Senator DANIEL, and the memory of the late Senator from Louisiana, Mr. McEnery.

MONDAY, *February 20, 1911.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, unseen but not unknown, in our great loss we take refuge in Thee, who hast been our refuge in all generations. In our sorrow Thy pity revives our fainting souls, and in our distress Thou hearest us as we call upon Thee. Thou hast, indeed, been unto us like the shadow of a great rock in a weary land.

And now, O heavenly Father, in our affliction give unto us the peace that floweth as a river. In our sorrow grant unto us the comfort that is born of hope and the faith that is rooted in love. As we meditate upon the life of Thy servants whom Thou hast called from our midst, make us worthy of the fellowship of the great cloud of witnesses with which Thou hast surrounded us.

And unto Thee, who art the God of all comfort and of all grace, will we ascribe praise now and forevermore. Amen.

Mr. MARTIN. Mr. President, I send to the desk the following resolutions, which I ask may be adopted by the Senate.

The VICE PRESIDENT. The Senator from Virginia submits the following resolutions, which will be read.

The resolutions (S. Res. 359) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

MEMORIAL ADDRESSES

ADDRESS OF MR. MARTIN, OF VIRGINIA

MR. PRESIDENT: The duty that now devolves upon me to speak of the life and character of JOHN WARWICK DANIEL, late my colleague in this body as a Senator from the State of Virginia, is one the performance of which is attended with mingled emotions.

It is with unfeigned pleasure that I add, to those which will be so much more fittingly expressed by others on this floor, my own humble tribute of admiration, affection, respect, and reverence for the memory of one who was an exemplar of all that is highest, noblest, and best in a manhood devoted to its country's service. And I confess to a frank and conscious pride in the privilege that is mine to speak of him in terms of an intimate relationship, based not only upon our joint service here for many years, nor merely upon our political association, but also upon a lifelong personal friendship. But these emotions are well-nigh swallowed up in a feeling of personal sorrow and loss that is yet too fresh and poignant to admit of my speaking unmoved of the man whom I devotedly loved and whose affectionate friendship I cherish in memory as one of the truest and closest that my life has known.

One can but experience a keen satisfaction in the contemplation of a life that has been rich in accomplishment, blameless in conduct, crowded with deserved honors, and

blessed with that crowning glory of a great career—the devoted love of a faithful people. And this satisfaction may be shared by all whose thoughts at this hour are turned upon the career of JOHN W. DANIEL, for such a life was his in all its fullness.

It was rich in accomplishment, indeed. As a youthful soldier he contributed no little to the glory and renown of the incomparable army in which he served. As a lawyer he adorned his profession and by his learning and ability shed an added luster upon it. As an author he gave to the profession legal textbooks which brought him international fame: As a scholar his attainments were rewarded by the degree of doctor of laws conferred upon him by two great universities. As an orator he has charmed, delighted, and instructed thousands by his eloquence and has left to posterity a rich legacy of splendid orations which are destined to live among the finest known to our language. As a Senator his wisdom in counsel, his power in debate, his great knowledge of public affairs, his experience in legislation, and deep study of economics gave him high rank among the broad-minded statesmen of his time; and his conduct and example in the high office of Senator has exerted an influence upon this body that will be felt, for the country's good, for years that are yet to come.

His life was as upright and blameless in conduct as it was rich in achievement. For more than a generation he stood forth in the full glare that shines about the man in exalted public office; and through all those years not a gleam fell upon him that was not reflected in undimmed purity from his untarnished soul. He waged many political battles, he took part in many professional conflicts of great importance, he has filled many offices of public and private trust, and yet he so bore himself amidst the many temptations which must have surrounded him, as

they do every man, that when he finally lay cold in death no man could point to one dishonest deed or to a single act of his life born of an unworthy motive. In all my experience of men in public or private life I never knew one whose patriotism was more exalted, whose devotion to public service was more unselfish, whose loyalty was more unswerving, or whose integrity was more unimpeachable.

It is not always true that the most capable and deserving in this world receive the rewards and honors that are commensurate with their abilities and their deserts. Too often does it happen that self-assertion and demagogism win—for a time, at least—the outward tokens of a people's regard as well as the substantial fruits of their favor. But it is pleasing to record that JOHN W. DANIEL's life was filled with honors graciously bestowed; that he measured up in fullest stature to their every demand upon him, and yet bore them all with that unassuming modesty that was an essential part of his noble nature.

He was but little more than a boy—still in his twenties—when he was elected to the House of Delegates of the General Assembly of Virginia. From that day, back in 1869, down to the year of his death, when he was for the fifth time elected to a seat in this body, he was the recipient of almost every mark of favor and distinction that his people could confer upon him.

If there is any one feature of Senator DANIEL's career which, more than all others, distinguished it and set it apart, it was the personal love and affection with which he was regarded by his whole people. He was known and admired by the whole United States, in the South he was loved and revered, but Virginia adored him.

He was known in every section of her broad domain. High and low, rich and poor, white and black, they all knew his face. They had heard his voice and clasped his

hand. They recognized his familiar crutch and never forgot the occasion for its use. Many of them had slept with him upon the field of battle and touched his elbow as they marched into a common danger, and they knew he had never flinched nor failed. They had given him their trust and he had never betrayed them. They had sat enthralled under his matchless eloquence and had learned anew their glorious traditions and even more glorious history. They had seen him disdain the proffered bribe of self-interest and cast his lot with them and their poverty that, in sharing it, he might the better serve them. They knew him for what he was; and no man in the history of that great State, save only the peerless Lee, has ever been so beloved or more sincerely mourned than this her favorite son who has so recently gone to rest.

ANCESTRY AND BIRTH

They that on glorious ancestors enlarge
Produce their debt instead of their discharge.

But JOHN W. DANIEL's life presents so complete a quit-tance of every debt to birth and breeding that one may without danger of detracting from the son recall the distinctions of the sires.

JOHN WARWICK DANIEL was born in the city of Lynchburg, Va., on September 5, 1842. He came of a distinguished lineage, and one may find in the lives of his progenitors the promise of his own illustrious career.

His grandfather, William Daniel, sr., was a man of the highest order of intellect, a lawyer of signal ability, and one of the ablest judges of his day in Virginia. He was a member of the two famous legislatures of 1798 and 1799 of that State. In the latter he was an associate of James Madison, who alone of all that distinguished company could be regarded as his superior. His great speech in the legislature of 1798 in advocacy of the renowned

“Resolutions,” which had been prepared by Mr. Madison on the subject of the “Alien and Sedition Laws,” was perhaps the ablest delivered by any member on that side of the great debate.

For many years he was a judge of the circuit court of the State, and as such was a member of the general court as it existed prior to 1851. This court exercised final appellate jurisdiction in criminal cases, and the opinions of Judge Daniel, delivered from its bench, are noted for their lucidity and vigor, some of them being “leading cases” in Virginia, yet quoted with assurance by the present-day practitioner. As a man he was rugged and strong in character, of great dignity, possessed of the judicial temperament in a marked degree, and of the most incorruptible integrity.

Peter V. Daniel, at one time a judge of the Supreme Court of the United States, was a kinsman of Senator DANIEL, as was John M. Daniel, one of the most brilliant journalists of the South, and Briscoe B. Baldwin, a judge of the supreme court of appeals of Virginia.

William Daniel, jr., the father of JOHN W. DANIEL, was one of the ablest lawyers and most distinguished judges that Virginia has produced. He was a cultivated scholar and a most eloquent speaker, being one of the most effective advocates in the State. While yet under 25, the required age for membership in that body, he was, in 1831, elected to the house of delegates, the lower branch of the General Assembly of Virginia. He became of the requisite age, however, before his term of actual service began, and was admitted to his seat, to which he was three times consecutively reelected.

His professional attainments and high character won for him, in 1846, an election to the supreme court of appeals, Virginia’s court of last resort. There he served with great distinction until 1865, when the organized

government of the State was displaced by that known as the Alexandria government, which had been recognized by Congress. This period of Virginia's judicial history is, perhaps, her brightest; and Judge Daniel's opinions contributed no little to the high regard in which the court was held by the profession, not only in Virginia, but in other States as well.

The mother of JOHN W. DANIEL was Sarah Anne (Warwick) Daniel, the daughter of John M. Warwick, Esq., a successful merchant, of Lynchburg, and one of her leading citizens. She was noted for her beauty of character as well as of person, and was accomplished in all the graces of the sweet womanhood of that period. She died at the early age of 24, and JOHN W. DANIEL, who was but a child, and his infant sister were taken into the home of his maternal grandfather, where he was surrounded by all that was highest and best in the delightful homes of the old South, and where he grew into sturdy boyhood.

Perhaps no one person exercised a more marked influence upon his life than did this grandfather, John M. Warwick, for whom he entertained not only the warmest affection but also the greatest admiration and respect, and to whom he paid this beautiful tribute:

A nobler man never lived—hospitable, gentle, calm, self-poised, self-contained—a gentleman in honor, in manners, and in innate refinement. A pure and lofty soul, * * * he seemed to me everything that a man could be to be respected and loved. Successful from his youth in business, with a mercantile "touch of gold," he was rich and generous without pretension or pride; and when the end of the war prostrated his fortune, and he became old and almost blind, his easy dignity lost no feature of its serene composure, and out of his true heart came no cry of pain or complaint of man or fortune. * * * He accepted the dread issue of Appomattox without a murmur, and took the fate of his people with all the fortitude and manliness, and with none of the show, of the Roman senators who saw the barbarians enter Rome.

Truly, JOHN W. DANIEL was fortunate in having such a character to preside so intimately over his life during its impressionable and formative youth, and as a companion and example for his young manhood.

MILITARY SERVICE

At the age of 18, and still remembered as the very ideal of youthful beauty and chivalry, young DANIEL was in attendance upon Dr. Gessner Harrison's noted preparatory school, in Nelson County, Va., when the Civil War begun. He did not hesitate a moment in deciding upon his course, but immediately withdrew from school and returned to his home. There he enlisted as a private in Company B, Second Virginia Cavalry, known as the "Wise Troop," which was organized in the city of Lynchburg. For several weeks this troop remained in Lynchburg, completing its organization and preparing for service in the field. Before it was ordered to the front, however, he was commissioned by Gov. Letcher as second lieutenant in the Provisional Army of Virginia, and he was assigned to Company C, Twenty-seventh Virginia Infantry, a regiment in what soon became known as Jackson's famous "Stonewall Brigade."

He received his commission on May 8, 1861, and immediately reported for duty near Harpers Ferry. On account of his military training, received while attending Lynchburg College, he was assigned to duty as drillmaster and entered actively upon this service.

His "baptism of fire" was received at the first battle of Manassas, July, 1861. In this battle he was struck three times. He received a glancing blow on his head from a fragment of a shell, but was protected by his cap from serious hurt. He was also struck in the breast by a spent bullet, which knocked him to the ground and stunned him, but this time a metal button on his coat

preserved him from an actual wound. Later in the fight he was shot in the left hip by one of the New York Zouaves, who was plainly in sight at the time and with whom he had been engaged in a sort of long-distance duel.

The last wound was quite severe, although he was able to walk off the field, using two muskets as crutches. He was carried to his home in Lynchburg, where he was confined to his bed for several weeks with fever attendant upon his wound.

His conduct in this battle was notably gallant. Although he had never been under fire before and was but a mere lad, he displayed the most intrepid spirit and daring courage and fought with all the steadiness of a veteran. In the midst of the battle and during a fierce charge, when the regimental color sergeant fell wounded, young DANIEL sprang to his side, and seizing the fallen standard, bore it aloft and forward until relieved by command. He was commended for gallantry in action by his regimental commander in the report of the battle, and was thus effectively launched upon his military career.

While still recuperating from his wound and before he was able to return to his command the Provisional Army of Virginia was abolished and the young lieutenant who had deserved, and was confidently expecting, promotion, was without a commission. He was, however, promptly elected by its members to a second lieutenancy in Company A, Eleventh Virginia Infantry, known as the "Lynchburg Rifle Grays." He immediately reported to that company at Centerville, where it was encamped, and from thence he wrote his father that, while he had hoped for appointment to a higher rank, upon reflection he thought "a subordinate position attained by the suffrages of daily acquaintances and associates is far more honorable."

As an evidence of this confidence of his associates, which he so highly valued, he was reelected at the expiration of his enlistment in 1862.

During the spring of 1862 he was authorized by the Secretary of War of the Confederate States to raise a company of cavalry for independent service, and succeeded in doing so, being elected to the captaincy of the troop. But the conscription act of the Confederate Congress disbanded all such organizations before this company was mustered in.

It was during this same year that Mr. Benjamin, the Confederate Secretary of War, tendered him a commission as lieutenant of ordnance in the regular army of the Confederacy. This appointment young DANIEL declined because he feared it might cause his assignment to duty elsewhere than upon the actual field of battle. As Maj. DANIEL often said, he wanted a place "on the firing line and in the picture by the flashing of the guns."

Later in 1862 he was commissioned first lieutenant and adjutant of his regiment, Eleventh Virginia Infantry, upon the recommendation of its colonel, David Funston. It was while serving in this capacity that he was wounded in the left hand during the Battle of Boonsboro Mountain, Md., September 14, 1862.

While standing with other officers on the line of battle watching its progress, and while in the act of passing his pistol from one hand to the other in front of his body, a rifle bullet struck his hand, passing through it and flattening itself against the pistol which it grasped. Fortunately it did not break any of the bones of the hand and he took his penknife from his pocket and cut the bullet from the wound himself. This bullet he retained throughout his life as a souvenir of this particular occasion, having caused it to be mounted as a watch charm.

He took part in all the many battles and skirmishes in which this noted regiment was engaged until March, 1863, when he was promoted to the rank of major of cavalry and assistant adjutant general on the general staff of the Confederate Army and assigned to the division under command of Maj. Gen. Jubal A. Early.

This rank and assignment enabled him to come more closely in touch with the actual operations of the army and the conduct of the war, much to his delight, for he was a born soldier, as well as a student of military science. His many letters to his father and grandfather, written from the field and camp during this period, show a mental grasp of the military situation and a knowledge of men and affairs that was remarkable in one not yet 20 years of age.

Young, handsome, fearless, and bold, and filled with a patriotic fire born of his firm conviction of the right of the cause for which he fought, he was a beau ideal of the Confederate soldiery. No danger daunted him; no task was too exacting, for his was a service of loyalty and love. And, boy though he was, underlying it all was a dignity and self-respect which he never forgot himself nor permitted others to disregard.

Upon one occasion, during the first days of his service upon the staff of Gen. Early, that officer, with unthinking abruptness and with needless peremptoriness, accompanied by an oath, ordered him upon some mission. The young adjutant drew himself to attention, and, looking the old general directly in the eyes, said, "General, when you address me as one gentleman should address another I will obey your orders, but not otherwise." To the credit of Gen. Early, he it said, he was too great a soldier and himself too much a gentleman not to recognize the justice of the rebuke, and, revising the terms of the order, he never again in like manner trenched upon the sensibili-

ties of his young subordinate, who became his favorite officer of all his staff.

While serving on the staff of Gen. Early he saw active service in many of the severest battles of the Civil War, including the great Battle of Gettysburg, until he received the final wound which permanently disabled him from military service on May 6, 1864, in the Battle of the Wilderness.

During the progress of this battle, and while upon some service for Gen. Early, he noted a regiment of troops whose commanding officer had been killed and which had been thrown into confusion and disorder. Realizing the necessity for prompt action, he placed himself at their head and was striving to reorganize them for an advance in the face of a terrific fire when he was struck in the left leg by a Minié ball. He fell from his horse and dragged himself behind a fallen log. Finding his thigh bone shattered and the femoral vein severed, he unwound the silken sash from his waist, and, making a tourniquet above the wound, stanching the flow of blood that had been dangerously profuse. This presence of mind and slight knowledge of surgery undoubtedly saved his life.

This wound not only disabled him from further military service, but caused him untold agony and pain for many years thereafter and discomfort and distress all the remainder of his life. It was due to this injury that he ever afterwards walked with crutches, being unable to use the wounded member except very cautiously and for short distances.

Immediately that he recovered from this wound sufficiently to move about, and realizing that his cherished ambition for a further military career was at an end, he accepted his condition as the fortune of war and turned himself to other fields. But all during his life he treasured his service in the army of his beloved South as the

most precious of all his memories. Other titles were conferred upon him which it was his privilege and right to adopt and use; but he preferred the simple "Major."

After the war, when James L. Kemper, the commander of the famous Kemper's brigade, became governor, he appointed Maj. DANIEL upon his staff with the rank of colonel. But the title of "colonel" never stuck to him. And as Maj. DANIEL wrote in a brief autobiographical sketch he once began:

In truth I did not desire that it should. I had won that of "major" in the steadiest army of history, the Army of Northern Virginia. * * * I have always regarded it, and regard it still, as Gen. Early called it, "my most honorable title." By it my comrades of battle know me; and when I die I wish it to be carved on a simple, unostentatious stone above my dust.

Well might he say he had won the title. He had won it by a bravery, a devotion, a dashing gallantry, and an efficiency of service not surpassed by any of his compatriots. And whatever other inscriptions may be carved upon the monuments that will be reared to his memory none will bear to the generations yet to come a higher or nobler message of patriotism, of loyalty, and of duty than the simple legend, "Major in the Army of Northern Virginia."

LAWYER AND AUTHOR

After the war Maj. DANIEL found himself, like many other young men of the South, with maimed body and shattered fortunes. The environment of wealth that had been his lot had been changed by the blight of war, and he realized that he must make his own fortune and carve out his own future. Deciding upon law as a profession, he entered the law school of the University of Virginia under the great teacher, John B. Minor. He had inherited from his father and grandfather a peculiar adaptability to his chosen profession, and his career as a student at

the university convinced all who knew him that he was marked for success at the bar.

He began the practice of his profession in Lynchburg as a partner with his father, which partnership continued until the latter's death in 1873. Being studious by nature, diligent in research, and splendidly grounded in the great principles of the law, his intellectual ability, high character, and power of advocacy soon established his reputation. As his experience widened and his intellect matured he took higher and higher rank in his profession, until few lawyers of the country could be regarded as his equal. His learning, his habits of industry, and his thorough preparation of every case, together with his winning personality and magnificent presence, made him a power before court and jury alike.

For many years he was in full and active practice in the State and Federal courts of Virginia and in the Supreme Court of the United States. He appeared in many of the most important cases before the supreme court of appeals of Virginia, where his briefs were noted for their scholarly style, beauty of diction, logical arrangement, and argumentative force; and where his oral arguments are conceded to be the most masterly ever addressed to that tribunal.

Although his public duties became more and more exacting as he grew older in the public service, he never lost his love for his profession and never withdrew entirely from its practice. For a number of years before his death he maintained a partnership with his son and his son-in-law and continued to the end to give personal attention to the more important business of the firm.

Within three years from his admission to the bar he issued his first legal textbook, *Daniel on Attachments*. This work, designed for use particularly in the States of Virginia and West Virginia, was published in 1869, met

with immediate success, and has ever since been regarded as a standard authority by the courts and bar of both of these States.

His splendid treatise on "negotiable instruments" is the work by which he is best known to the profession generally and is his legal masterpiece. He had this work under preparation during eight years, and, in the midst of the countless demands upon his time and energies, spent long periods in the law libraries at Richmond, Baltimore, and New York, where he could have convenient access to original authorities.

The work first appeared in 1876, was at once recognized as the leading authority on the subject, and has ever since been regarded as a standard and a classic in all the courts of the English-speaking countries. His old law instructor, John B. Minor, one of the greatest, if not the greatest, law teacher of this country, and himself an author of a monumental legal work, once said with obvious pride:

Upon the subject of negotiable instruments I bow my head to JOHN W. DANIEL, my pupil.

His publishers, when the work was first in press, asked him in surprise how it happened that a "provincial lawyer" from a small town could have produced so excellent and exhaustive a treatise. He replied with his usual modesty that it was, perhaps, because he was a provincial lawyer from a small town, and therefore had the necessary time to give to its preparation.

The work has been through five editions, in 1876, 1879, 1882, 1891, and 1902. All of them, save the last, he prepared with his own hand. It is probably this book which, more than any other one thing, won for him his honorary degree of LL. D., which was conferred upon him by the University of Michigan, and also by Washington and Lee University in his own State.

POLITICAL CAREER

Maj. DANIEL had scarcely become settled in the practice of his profession before his intellectual gifts, his talent for public speaking, and his personal popularity as well, perhaps, as his natural inclination, forced him into the political arena. He was a Democrat of the purest extraction, and prided himself upon the fact that for over a hundred years he and his ancestors had voted with that party without ever scratching a ticket.

He was elected as a Democrat to the Virginia House of Delegates in 1869, his constituency embracing the city of Lynchburg and county of Campbell, and served in that body for three years.

In 1874 he was elected by the same constituency to the State senate for four years, and was reelected in 1878.

During his service in the State legislature he made an enviable reputation as a legislator, and especially as a debater upon the public questions under consideration at that time. He had taken an active part in the campaigns of his party and had won a personal following all over the State that insured his rapid political promotion. In the meantime, however, and due more to his youth than to any other cause, he had been twice defeated for the Democratic nomination for Congress, and once for the nomination for governor.

But in 1881 he was nominated as the Democratic candidate for the governorship. His speech of acceptance before the convention at Richmond was a masterpiece of political oratory and fired his party with enthusiasm and loyalty. The great issue of the campaign was the funding of the State debt, and thousands of those who had theretofore regularly supported the Democratic Party during this fight allied themselves with the Republicans, and under the party name of "Readjusters" the

coalition presented the most formidable opposition the Democrats had ever met, being led by Hon. William E. Cameron, an able, learned, and aggressive candidate.

The campaign was the most brilliant ever waged in Virginia. The ablest men in the Commonwealth threw themselves heart and soul into the contest on one side or the other, and public interest was aroused to the highest pitch of excitement.

Throughout the contest JOHN W. DANIEL was the central figure. He swept over the State, from the mountains to the sea, and everywhere cast the spell of his magnetic eloquence over the thousands who crowded to hear him; revealing to them his high motives, his magnificent abilities, and his splendid qualifications for leadership. And although his party was defeated at the polls, he had so firmly established himself in the confidence and regard of the people that from that day he became a leader in Virginia whose clarion voice could ever summon a host to follow and whose supremacy in their affections was never afterwards open to question.

In 1884 Maj. DANIEL was elected to Congress from the sixth congressional district and had scarcely entered upon his actual service when he was elected to the United States Senate for the term beginning March 4, 1887. To this high office he was reelected four consecutive times, each time without party opposition and twice by the unanimous vote of the legislature.

He was elector at large on the Democratic ticket in 1876 and delegate to every Democratic national convention since 1880 except that of 1884. He became a familiar and favorite figure at these gatherings and was elected temporary chairman of the convention of 1896.

In 1901 he was elected a member of the Virginia constitutional convention and would inevitably have been elected its president had he permitted himself to be placed

in nomination for that office, but, with characteristic generosity, he declined to do so, and said:

There are so many gentlemen who are eminently worthy of this office in the convention that it would seem appropriate to confer the distinction on some one of them who has not been so favored as myself.

He was made chairman of the committee on suffrage, and entered so vigorously upon the work of that body, immediately following a trying session of Congress, that his health gave way under the strain, and for several months he was compelled to withdraw from attendance upon its sessions. He was able to return, however, before its close and took a prominent part in the debates upon its floor and in the actual framing of Virginia's present organic law.

At the time of his death Maj. DANIEL was the oldest Democratic Senator in point of service, and but four among its entire membership had seen a longer continuous service in this body. By virtue of the rule of seniority which prevails here, he held membership upon two of the Senate's most important committees, and enjoyed all the power and prestige incident thereto. But apart from this, and by virtue of his character, ability, and personality alone, there was no Senator on this side of the Chamber and but few on the other who exercised a wider or more potent influence both here and beyond these walls.

His unfailing courtesy and gentle manners, his honesty and frank candor, his consideration for others, and his strict observance of all the highest and best traditions of this body not only made him a conspicuous and attractive figure but endeared him to all his associates. And now that he is gone, and we no longer see his familiar face and hear his well-known voice, it is not only the distinguished Senator whom we miss, but a cherished friend as well, for whom we sincerely grieve.

MEMORIAL ADDRESSES: SENATOR DANIEL

ORATOR

It is doubtful if any man in public life since the days of the great triumvirate of oratory in this body has surpassed Senator DANIEL in all the qualifications of a great orator. To a mind stored with classic learning and teeming with the riches of a broad and brilliant culture, nature had contributed the aid of features strikingly handsome, a noble countenance, and a pleasing voice. Manly in bearing and commanding in presence, he was a splendid figure, to which his lameness added a touch of the picturesque. Trained from his youth in the arts of public speaking, with gestures full of grace and a tongue schooled to rounded phrases, he won the attention of his auditors with his first sentences, and, captivating their minds with his brilliance and logic and firing their enthusiasm with his eloquence, he frequently swayed them almost at will.

From his earliest manhood he was in constant demand as a speaker on public occasions, and has perhaps delivered a greater number of prepared addresses than any other man of his day. His subjects covered a wide range, and he was sometimes happiest in a lighter vein, but he was always thoughtful and never spoke for the sole purpose of entertainment.

At the unveiling of the recumbent statue of Robert E. Lee, at Lexington, Va., in 1883, he delivered the memorial address. To this occasion he brought not only all of his great gifts, but an affection and veneration for his subject that filled him with inspiration, and the result was a magnificent oration that aroused his hearers to the highest pitch of enthusiasm and was immediately acclaimed all over the country as a masterpiece of oratory. It was undoubtedly his greatest effort, and among the many splendid addresses he has elsewhere delivered it stands preeminent and will survive as a classic.

But had he never made this speech, numerous others would have made him great in this field, for there is a long list of ceremonial occasions upon which he delivered orations worthy alike of the occasion and himself. Among those deserving especial mention because of their beauty and eloquence are:

His speech delivered at the ceremonies attending the dedication of the Washington Monument.

His address upon "Jefferson Davis," delivered before the Legislature of Virginia upon its invitation.

His address upon "Stonewall Jackson."

His address at Kings Mountain upon the centennial anniversary of that battle.

His speech upon "Virginia," delivered at Chicago during the World's Fair on Virginia day.

His address in the House of Representatives at the celebration of the centennial of the establishment of the Government at Washington.

His speech at the Confederate Reunion in New Orleans.

His address upon "Abraham Lincoln."

His oration at the unveiling of the bust of John B. Minor, at the University of Virginia.

His speech upon "Thomas Jefferson."

His address upon "Americanism," at the University of Michigan, and his two lectures, "The English-Speaking People" and "The Unities of the Union."

It is needless to mention his many magnificent speeches delivered upon this floor. Always alert as to the business under consideration, and ready and able to maintain himself at all times in running debate, yet he rarely addressed the Senate except upon questions of importance and only after careful preparation. Upon occasions, however, when the exigencies of the moment required, he would take the floor for an impromptu speech, and always commanded the most respectful attention, for the Senate

had learned that he never spoke save when he had something to say worth while for it to hear.

His great speech in the Senate on "The Free Coinage of Silver" is justly regarded as among the ablest of all the many utterances upon that subject, and that upon "The Independence of Cuba" was an especially brilliant example of his eloquence and power.

Upon the stump he was peculiarly effective. Delighting to mingle with the great masses of the plain people, for whom he entertained the greatest admiration and respect, he accepted every convenient opportunity to address them in their small towns and country villages; and many of his finest speeches were made upon such occasions.

With all his splendid capacities and powers, he never permitted them to be applied to invective or bitterness or ridicule. But always and ever he displayed an innate courtesy, an easy dignity, a gentleness of bearing, a frankness and candor, and a nobility of thought that robbed the most carping critic of any doubt of his sincerity and mental integrity. And whether in the United States Senate, or before the most distinguished courts, or upon the village greens of Virginia, he was equally at his ease; because he was always conscious of his own honesty of purpose and purity of motive and knew that nothing save a lack of these need make him afraid.

His tongue was taught no phrase of harshness;
His lips could speak no word of guile;
But gentleness and truth, twin virtues,
Attended him, with sweetest smile.

THE MAN

JOHN W. DANIEL was one of the most lovable of men. He possessed a personal magnetism that seemed to draw to him all classes and conditions alike. Sweet tempered

and serene, responding to every advance of friendliness and affection, and with a superb loyalty to those admitted to his friendship, he became a general favorite from his first appearance in the Senate. While ever a staunch defender of Virginia and the South, brooking no unjust attack upon either from any quarter, he yet had none of the rancor and bitterness that too often displayed itself on both sides of this Chamber, especially during the earlier days of his service.

It is doubtful if any one man during more than a generation past has exerted a greater influence in the restoration of the harmony and friendship between the North and the South that is now so happily accomplished. It was one of the treasured purposes of his life. In the course of his eulogy upon the late Senator Quay, delivered upon this floor, and after referring to the era of ill-feeling that had so long existed, he said:

I could pay to his memory no better and no sincerer tribute, and for my country could express no better wish, than by saying at his open grave, "God grant that the departed era may return no more to our country."

Because of this trait of character, perhaps, as well as his many other virtues, he has numbered among his warmest friends and admirers men whose political faith, sectional affiliations, and familiar associations were utterly at variance with his own. And thus we see one Republican Vice President directing his portrait to be forwarded to Senator DANIEL with warmest expressions of affection, and another who writes him from far-off China:

I could pay to his memory no better and no sincerer tribute, and that you will enjoy a well-earned vacation. Conserve your strength, for the country has much need of you.

Mere incidents in themselves, but evidences of the universal regard and esteem in which he was held by all his associates here.

In his family relations he was a most devoted husband and loving father, whose keenest delight was to do some act that would bring pleasure to wife or children. Simple and unaffected in his manners and habits, but stately in his courtesy and native dignity, he was a typical "gentleman of the old school," and as a brilliant Virginia editor recently wrote in an appreciative editorial, "the pity of it is that the 'old school' has closed its doors and the type is no longer produced."

His affability and approachableness were known to everyone in his home town of Lynchburg, and his daily drives to his office were almost triumphal processions. Everybody wanted to speak to "The Major," as they all called him, and to shake his hand. And to none, whether white or black, was his gracious and courteous salute denied.

He was a most indefatigable worker; and until recent years rarely ever retired until long after midnight. He preferred the undisturbed quiet of later hours for his labors, although his wonderful power of concentration enabled him to work under conditions that would have driven most men from the attempt in despair. Few could have sustained their strength under the burden of work he imposed upon himself, nor could he have done so except for his splendid constitution and his peculiar ability to sleep anywhere and at any time when he so willed.

The lure of gold never dazzled the eye of JOHN W. DANIEL. His attainments and professional ability brought him many flattering offers that would have meant opportunities to accumulate a fortune commensurate with the value of the service sought from him. But he preferred the daily association with those whom he affectionately called his "own people," and the environment and atmosphere of his native Virginia; and after 30 years spent

ADDRESS OF MR. MARTIN, OF VIRGINIA

almost continuously in public office, he died as poor in purse as when he began. But he has left to his children, in the memory of his illustrious career, his incorruptible honesty and stainless honor, and in the assurance of his enduring fame a heritage more to be treasured than all the riches of the world.

ILLNESS AND DEATH

During the fall of 1909, while Senator DANIEL was in Philadelphia, he was taken ill with pneumonia and was confined for some weeks to his room at the Bellevue-Stratford. Before he was sufficiently restored to strength to return home he suffered a slight stroke of paralysis which affected his right hand and leg. This attack was not dangerous in itself and, returning to Lynchburg, he soon recovered therefrom. But it was premonitory of a serious condition and none knew better than he what it portended. His father and grandfather alike, at about his age, had died from attacks of apoplexy; and he had frequently stated his belief that his end would come in like manner.

Under directions from his physicians he went to Florida during February, 1910, in the hope that a few weeks in the open air of its congenial climate would enable him to return to his duties in the Senate. But while at Daytona, on March 8, he suffered a severe stroke of paralysis affecting his whole left side. The news of his grave condition brought sorrow and fear to every heart; and when later he lapsed into coma and his death seemed imminent, Virginia fell upon her knees and prayed that he might be spared to her yet a little while longer. For many weary weeks he battled for his life, and so far maintained his strength that his family were able to bring him back to his beloved Virginia on April 21. There all that love could suggest and science could accomplish

was done for him; and for many more weary weeks the fight continued, now with a ray of hope to cheer, and again with the grim desperation of almost hopeless despair.

And during all these trying days the bulletins of his condition were the foremost items of news to the whole people of Virginia. They literally watched at his bedside with his family and joined them in their tearful prayers, as was the right of their boundless love and admiration. But the hand of fate was upon him, and on June 29 he suffered another and severer stroke, and it was known his hours were numbered. And when, at 10.35 o'clock on that night, the tolling bells of the city rang out the sad message that the end had come, Virginia bowed her head and abandoned herself to grief.

In obedience to his own well-known desires his obsequies were as simple and unostentatious as the determination of the people to honor his memory would permit. His body lay in all the calm dignity of death, without ceremony or any trappings of state, in the home of his beloved daughter. There many of his old comrades in arms and lifelong friends, among both races and from all ranks and stations, came to look their last upon his noble face, which bore upon it the stamp of that serenity and peace which gave assurance that his oft-expressed, dearest wish had been fulfilled, and that he had "passed out of the world at peace with God and man."

The impressive Episcopal service for the burial of the dead was read in St. Paul's Church in the presence of the governor of Virginia and his staff, the senatorial and congressional delegations, the delegations from the two Houses of the General Assembly of Virginia, many of the officers of the State and city, and an assemblage of distinguished citizens that taxed the capacity of the edifice. The cortege was formed for its journey to beautiful Spring

Hill Cemetery, preceded by battalions of State militia and with the band playing the beautiful hymn, "Nearer, My God, to Thee." A solemn stillness which pervaded the air bespoke the splendid tribute of his native city—not a wheel of industry was turning, every business house was closed.

The mournful procession for more than a mile of its sad journey moved onward between solid masses of the city's people, and the flowing tears that fell from the eyes of strong men and sweet women alike attested the fact that it was no idle curiosity that brought them forth, but that it was their last tender tribute to a departed friend.

As the sun was slowly sinking in the west the body was lowered to its final resting place. His beloved comrades of the Army of Northern Virginia formed a cordon about his open grave, a volley of musketry rang out upon the air, taps was sounded, the old soldiers in gray stood at their final salute, the grave was covered with beautiful flowers, and all that was mortal of JOHN W. DANIEL was closed to the sight of man forever.

But JOHN W. DANIEL is no more dead than are other thousands of the great and good whose works yet live after them and whose influence is yet felt upon the earth. Men such as he can not live and die and count death the end. But for countless years will his tongue continue to speak to listening thousands and uplifting them by his noble thoughts. And for generations yet to come will men be higher and nobler themselves because of his nobility and purity of character.

In due course a monument is to be erected to the memory of Senator DANIEL in his native city of Lynchburg. An offering from the entire people of the State of Virginia, it will be beautiful and enduring. But whatever of art may be spent upon its design it can not be more beautiful

MEMORIAL ADDRESSES: SENATOR DANIEL

than the character it is to commemorate, and whatever material may enter into its construction it will crumble into dust before the name of JOHN W. DANIEL shall have been forgotten or his influence shall have ceased to live. For he was a

Statesman, yet friend to truth, in soul sincere,
In action faithful, and in honor clear.

ADDRESS OF MR. LODGE, OF MASSACHUSETTS

MR. PRESIDENT:

When sorrows come, they come not single spies,
But in battalions!

Shakespeare's melancholy and noble lines have been brought to my mind only too frequently in these last months as death has descended again and again upon the Senate. Day before yesterday I joined in the ceremonies which commemorated the life and services of my good friend Senator Clay. To-day I rise again to speak of a distinguished man, also a friend of many years, who was so long the senior Senator from Virginia.

Senator DANIEL was to me, from the time when I first saw him here, one of the most interesting figures in the Senate and in our public life. As I came to know him well, interest deepened into real affection, and I sorrow for him not only as a loss to the Nation and to Virginia, but as a friend whose departure I shall always mourn.

When, as a Member of the House, I first saw him on the floor of the Senate I was arrested by his appearance and found a fascination in watching him. He was very striking in his looks, with a head and face which would have been remarked anywhere and in any assemblage of men. He reminded me of the portraits of the leaders of the French Revolution—the men who destroyed an ancient monarchy, reorganized France, and shook the civilized world from center to circumference. In nearly all their faces, as in his, one sees strangely commingled with the gaze of the dreamer and the visionary that expression of intense energy which is so easily translated into action.

They were very young for the most part, those leaders of the French Revolution; they did great deeds, whether for weal or woe; they conquered young and they died young. In nearly all we see that strange look which seems to belong to those who are ready to sacrifice youth and joy and life for the faith which absorbs their being.

Senator DANIEL had long passed youth, had gone beyond middle age, and yet he seemed to me still to have the expression of those who in the flush of young manhood sought the great prize of death in battle for the sake of beliefs to which their hearts clung; in pursuit of visions seen only by them. The touch of romance, the look of the dreamer, the passionate energy of the man of action, all seemed to meet in his aspect and his eyes.

With a brilliant record as a soldier, not merely eminent at the bar, but as a writer on law of high authority, after much public service in his own State and in the House of Representatives, Senator DANIEL came to this body with distinction already achieved and with a high reputation in many fields already secured. He had as a gift of nature great eloquence of speech, and this gift had not only been enlarged by care and practice, but had been made weighty and serious by the studies he had pursued and by the reflective and philosophical cast of his mind. One could easily disagree with him, but he never failed to arrest the attention or to furnish food for thought in what he said. His style was of the old school, the richer and more florid style of the first half of the nineteenth century. It has passed out of fashion now. The modern taste is for something plainer, more direct, more businesslike, because this is an age when business is regarded as of the first importance in every department of human activity. Yet the school to which Senator DANIEL belonged produced speakers who have never been surpassed in the annals of oratory. The faults, both of the period and of

the school, can be easily pointed out, but the heights in the great art of speech to which some of the men of that age attained remain to-day lonely and unscaled. Senator DANIEL exhibited all the qualities of that earlier time in high degree, and it was possible to those who lent an attent ear to learn from him many lessons which would not be without great profit even at the present time. In him there was always dignity and, what is of infinitely more importance, that sincere respect, not merely for his audience, but for what he was himself doing and saying as a public man, which is so often neglected, to the great detriment of speakers and listeners alike. He had in large measure the "high seriousness" which Aristotle commends in the poet.

He did not speak on many subjects. He was not an incessant talker. But upon any topic which engaged his attention he spoke copiously and well, and never failed to show that he had thought much and independently upon the questions involved. He liked large issues because they offered the widest opportunity for speculation as to causes and for visions of the future. This reach of mind made him an American in the largest sense and showed clearly in the note of intense patriotism which sounded so strongly in his more formal addresses.

It was always a pleasure to talk with him, for he was unfailingly suggestive and ranged widely in his thought. The grave courtesy of his manner, which never wavered, had to me a peculiar charm. I should not for a moment think of hinting even that the manners now generally in vogue are not better, but they are certainly different. Manners like those of Senator DANIEL, I suppose, would be thought to take too much time, both in acquisition and practice, among a generation which can employ its passing hours so much more usefully. Yet I can not divest myself of the feeling, an inherited superstition,

perhaps, that manners such as his—serious, gracious, elaborate if you please, but full of kindness and thought for others—can never really grow old or pass out of fashion.

He loved his country and he loved her history. He cherished with reverence her institutions and her traditions. It could not be otherwise, for he was a Virginian, and the history and traditions of his own State outran all the rest. Others may disregard the past or speak lightly of it, but no Virginian ever can, and Senator DANIEL was a Virginian of Virginians.

He believed, as I am sure most thoughtful men believe, that the nation or the people who cared naught for their past would themselves leave nothing for their posterity to emulate or to remember. He had a great tradition to sustain. He represented the State where the first permanent English settlement was founded. He represented the State of George Washington.

I will repeat here what I have said elsewhere, that, except in the golden age of Athens, I do not think that any community of equal size, only a few thousands in reality, has produced in an equally brief time as much ability as was produced by the Virginian planters at the period of the American Revolution. Washington and Marshall, Jefferson and Madison, Patrick Henry, the Lees and the Randolphs, Masons and Wythe—what a list it is of soldiers and statesmen, of orators and lawyers! The responsibility of representing such a past and such a tradition is as great as the honor. Senator DANIEL never forgot either the honor or the responsibility. Can more be said in his praise than that he worthily guarded the one and sustained the other!

The Civil War brought many tragedies to North and South alike. None greater, certainly, than the division of Virginia. To a State with such a history, with such

memories and such traditions, there was a peculiar cruelty in such a fate. Virginia alone among the States has so suffered. Other wounds have healed. The land that was rent in twain is one again. The old enmities have grown cold; the old friendships and affections are once more warm and strong as they were at the beginning. But the wound which the war dealt to Virginia can never be healed. There and there alone the past can not be restored. One bows to the inevitable, but as a lover of my country and my country's past I have felt a deep pride in the history of Virginia, in which I, as an American, had a right to share, and I have always sorrowed that an inexorable destiny had severed that land where so many brave and shining memories were garnered up. That thought was often in my mind as I looked at Senator DANIEL in this Chamber. Not only did he fitly and highly represent the great past, with all its memories and traditions, but he also represented the tragedy, as great as the history, which had fallen upon Virginia. To the cause in which she believed she had given her all, even a part of herself, and the maimed soldier with scars which commanded the admiration of the world finely typified his great State in her sorrows and her losses as in her glories and her pride.

ADDRESS OF MR. ROOT, OF NEW YORK

MR. PRESIDENT: It is a melancholy satisfaction to add my word of tribute to the memory of Senator DANIEL. I knew of him first as the author of a painstaking, accurate, and clear work upon one of the dry and technical branches of the law. I wondered that the nature which could bring itself to the labor of preparation and exposition in such a field could also be the nature of a gallant soldier and a convincing and stirring advocate; still more that it could be the nature of an orator, with the breadth of view and the loftiness of idealism and tenderness of sympathy which made him potent to move the masses of men.

I first came to know him when the interests of the people of his State of Virginia brought him into the Department of War and into consultation with the head of the department. I do not know that in all the years of experience as head of the Department of War and then as head of the Department of State, which brought me into contact with so many of the strong and able men of our country, I have ever been more impressed, I doubt if I have been ever so much impressed, by the personality of any man as I was by the personality of Senator DANIEL. His distinguished and sincere courtesy, the grave dignity which characterized his demeanor, the simplicity, directness, and truthfulness of his utterances, the ingenuousness of his motives, were so apparent that above all the men whom I have ever known he created an atmosphere which lifted up those about him to the same high plane of his own noble purpose.

His courtesy was not mere manner. His manner was but the expression of a sensitive and noble spirit exhibiting itself through the forms of a great tradition. The sensitiveness of his sympathy impressed upon everyone who knew him the certainty that he was a pure, sincere, and noble gentleman. The kindness and considerate character that was displayed in his action and his words furnished a guaranty of his justice, of his considerate and thoughtful regard for the rights, the feelings, and the prejudices of others. He never left the War Department or the State Department in my time that I did not feel myself a better gentleman and a better officer for having come under his influence and having been within the sphere of the atmosphere that surrounded him for even the few minutes of our interviews.

Ah, sir, that was the nature that breathes the very soul of patriotism and love of country. Brave soldier as he was, earnest advocate as he was, indomitable in every enterprise to which he set his hand, fearless as against all opposition or attack, he had that essential regard for the rights, the feelings, the prejudices of all his countrymen which makes it possible for the people of a free, self-governed country to live together in peace and harmony, and to love their country and their countrymen.

He was the product of those centuries during which the formative power developing the people of the United States proceeded from a race of men whose characters were affected by the calmness and serenity of rural life. The landholders of North and South, of New England and the Middle States, of Virginia and Georgia and the Carolinas, the people of all our States who, with their fathers, had owned their own land, had acknowledged—had known—no superior, socially or politically, coming to manhood in self-respecting independence, with unhurried development of character, not feverish or hysterical,

but reflective, calm, strong, considerate. These were the men who made the earlier history of our country, and from them came Senator DANIEL. A new life is urging forward the movements of our people. The rush, the haste, the tumult, the unthinking excitement of the struggle for wealth are displacing the old calmness and reflective training.

But, sir, the influence of which Senator DANIEL was a perhaps belated representative must remain if the great country which he served so well is to continue. Self-respect and respect for others, courtesy, consideration, sympathy, justice, all the qualities of the older time, must be found among the people who govern themselves or their self-government will degenerate into the wild scramble that means strife, discord, conflict, and disintegration.

That Virginia has honored and does honor this gentleman of the old time, that this Senate loved him, that our country remembers him with grateful appreciation for what he was, all argue well for the soundness, the wholesomeness, the genuine spirit of patriotism that will preserve all that he represented. Long may it be before the life and the influence of that noble race of men of whom he was so distinguished an example is forgotten in the councils of our Government or in the action of our people.

ADDRESS OF MR. PERKINS, OF CALIFORNIA

MR. PRESIDENT:

Friend after friend departs;
Who hath not lost a friend?
There is no union here of hearts
That finds not here an end.

Mr. President, Senator DANIEL's death removed a very useful, a very prominent, and a very public-spirited Member of this Chamber and the State of Virginia a very distinguished and well-beloved son.

The warmth of feeling with which he was regarded by his fellow citizens was an index of his attitude toward them during his entire life, and the sincere grief manifested at his death by the Members of the Senate indicates in some measure the feeling which he inspired in the hearts of his colleagues.

In every period of his career Senator DANIEL exhibited that earnestness, unselfishness, and devotion to what he believed to be his highest duty which wins the admiration and respect of all earnest and thoughtful people.

During the Civil War his energy and talents were exerted to the utmost in the cause which called him into the field. The wounds he received bore witness to his bravery, and the high rank which he attained is evidence of his soldierly qualities and military ability.

After the peace his devotion to his people caused him to enter public life, where he demonstrated his unusual qualifications for public affairs and earned the respect and affection of the people of his State.

As a lawyer he had achieved a very high rank, and in certain branches of the law became an authority.

In Congress he developed to the full all those powers of application and persuasion which enable a legislator to get at the truth of any subject and to convince those who are to deal with it, and in work of this kind his absolute sincerity and anxiety for that only which is for the public good made him a power in the counsels of both the House and the Senate.

In all that he did as a member of the Virginia Legislature and as a Member of the Congress of the United States he strove earnestly and constantly to throw the cloak of oblivion over the dark past and to make it plain to all that we are citizens of an undivided country, to which is due absolute loyalty and that love which all should have for the most precious of earthly possessions.

God grant—

He once said—

that the departed era may return no more to our country.

It is the marvel of the world—

He again said—

that so far our unprecedented and unmatched Constitution has availed to preserve our inheritance and to keep alive here the hope and faith that the future may prove worthy of the past.

A greater people have never yet appeared upon this globe than the Americans, and it must solemnize any just mind to realize the responsibility which comes to it with the injunction to take heed that no ill befall the Republic.

The loyalty of Senator DANIEL to his country was equaled by his loyalty to his State. He was a true Virginian, believing in the grand old Commonwealth with all the strength of his generous nature and in its people with all the warmth of a great heart. Whatever was for the advantage of the Old Dominion, that he advocated and worked for with all the energy he possessed.

Without the enthusiasm which he brought to bear in the effort to secure the Jamestown Exposition, it is very doubtful whether it would have received the sanction of Congress. I know that many votes for it were secured purely through his eloquent advocacy and personal magnetism. He entered upon the contest as though the question were one of vital importance to his State, and he brought to bear all the dash and enthusiasm which characterized him on many a hard-fought battlefield in his youth. He won a victory for his people, for to him there was no such thing as defeat in such a cause.

For individual Virginians, as well as for the State as a whole, Senator DANIEL held himself ready to work for any good and worthy purpose, and it was through his efforts that much has been accomplished in the way of development and the promotion of prosperity.

As he said of the late Senator Hoar, so may we now say of him:

No man ever said or thought of him that he was the servant of personal ambition or of private ends. There are many things in heaven and in earth that can not be seen by our eyes or heard by our ears or touched by our hands or which are within the pale of our sense; more, indeed, "than are dreamed of in your philosophy."

Hence many a noble aim may miss its mark, however clear be the eye that discerns, however firm the will that directs, however true be the hand that obeys.

It is only possible to the human to be right in mind and conscience and to be sincere in heart.

So felt the prophet when he said: "Keep thy heart with all diligence, for out of it are the issues of life."

So did Senator DANIEL keep his heart.

He aimed his arrow at wrong wherever he thought he found it.

He lifted his shield over the right wherever he thought the right needed reenforcement.

It is only in such performance of duty that true glory may be found.

No one who knew Senator DANIEL could fail to be struck with the evidences of his wide reading and profound reflection. He was a scholar by instinct, habit, and training. Whenever he arose to speak he was listened to with pleasure and instruction, for he gave the results of long and careful study, enriched by gleanings from the domain of literature.

His was the eloquence which we find in the older school of statesmen, who strive to clothe their thoughts in the rich language of the great masters when felicity of expression was sought for as the proper setting for exalted ideas. His discourse in private had the same characteristics and formed one of his charms in social life.

I, as well as the rest of his colleagues, was warmly attached to him by reason of his genial companionship, which had the full flavor of that southern generosity and open-heartedness which have made the hospitality of the South proverbial throughout our land.

In my intercourse with him in the Senate on the Committees on Appropriations and Coast Defenses, of which we were both members, and in purely social life I found him steadfast to those high ideals which he had early set up for his guidance, and which had caused him to set a striking example to his fellow citizens in war and in peace.

His wide sympathies took in all classes of people and all parts of our great country, and he was ever on the alert to study conditions new to him and to gather therefrom ideas that might be made of benefit to all.

I shall never forget the interest he took in our great Pacific coast, when, as my guest in California, he had an opportunity to see the land over which the stories of the Argonauts has thrown an atmosphere of romance. He found there much to remind him of his own loved native State, and in the free, generous life of our people he felt

ADDRESS OF MR. PERKINS, OF CALIFORNIA

himself back among the beautiful Virginia mountains and valleys.

We may say of Senator DANIEL as he once said in a eulogy of a former colleague:

He was typical of his State, of his section, and of his party, and he was distinctively a Representative in all he stood for.

Most of the great problems that engaged his thought and effort have found their solution through the processes of time, and new sails are now seen on the horizon before us.

As we seek to measure justly the men of the past we do not carry into our judgments the partisan feelings which inflamed them or their combatants in hours of conflict, for it is the happy faculty of a wholesome nature to take men according to the circumstances which environed them and according to the manner in which they dealt with their own obligations and duty.

Abraham Lincoln said on one occasion that he must confess that events had controlled him far more than he had controlled events; and if one who was at the head of such mighty power as he wielded could feel so sensitively how little any one man can do in the great movements of the human race, how much more must it be felt by those who play but minor parts in the drama that is in their time upon the stage.

And again:

The stroke that removes one who has long interwoven his life in the work of a great public body, who has bound himself in associations of friendship and cooperative tasks with his companions, who has become a part of the business of many constituents, who has stood forth as the representative of a great State, and as the champion of ideas, and, indeed, has translated his being into law and doctrine—such a stroke suddenly snaps many ties and dissolves many vistas of pleasant and instructive contemplation.

It must be to many, and it seems to all, as if a landmark of memory and hope and faith and affection had suddenly crumbled to the dust.

If we lift our gaze from the tomb of a single one who has departed to survey the scene of desolation which a few years

MEMORIAL ADDRESSES: SENATOR DANIEL

make in the ranks of a body like this, we are well-nigh appalled to realize how swiftly and surely death consummates its work of change and dissolution.

In the words he used in acknowledging the worth of a former Member of this body, I may say concerning Senator DANIEL that not only California, "the younger sister of Virginia," not only the old 13 States that founded our fabric of Government, but all of the 45 American Commonwealths that to-day constitute the Republic, say this of him, who so nobly applied it to another:

He was faithful to truth as he saw it; to duty as he understood it; to constitutional liberty as he conceived it.

Man sees all things die around him. The bud and the blossom die.

The leaf and the tree die.

The birds of the air and the fishes of the sea, the creatures of the forest and the field and the desert; alike, they die.

Man, in this respect, is like them, and we see and feel and know within ourselves, as did our dying brother, that of a truth we die daily.

The days die and the nights die.

The weeks and the months and the years and the centuries and the seasons die.

Time itself, even as we call its name and with our every breath, dies away from us.

An eternity without beginning lies behind us—dead.

A faith so beautifully expressed can not fail to be a comfort and an inspiration to those who knew his kindly character. When all that was mortal of Senator DANIEL was deposited in that last peaceful resting place, amidst the pines of his native State, how cheering is the thought that he believed it to be but the narrow entry to a greater, nobler life—eternal in the heavens.

ADDRESS OF MR. PERKINS, OF CALIFORNIA

How well could our dear friend say in Tennyson's incomparable verse:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea.

* * * * *

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell
When I embark;
And though from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face,
When I have crossed the bar.

ADDRESS OF MR. SIMMONS, OF NORTH CAROLINA

MR. PRESIDENT: Virginia has greatly enriched our country by her successive contributions to the eminent men who have adorned public life. In his address in commemoration of the landing at Jamestown, President Tyler mentions that there came to Virginia in her early days many representatives of that landed gentry whose capacity and worth had elevated England to her glorious position among the nations. Their American descendants were not unworthy of their lineage. Many scions of this persistent stock have budded in Virginia soil and blossomed into perfect manhood, and in every generation Virginia thought and Virginia life have been ennobled by men cast in a superior mold, who compel our admiration and lead us, while wondering at their talents, to seek to emulate their virtues.

Although but three centuries have as yet elapsed, in the long roll of eminent Virginians we can find examples of public worth that vie with the most famous characters of storied Greece and imperial Rome.

It was the fortune of our lamented friend, JOHN WARWICK DANIEL, to have brought the list of these illustrious Virginians down into our own times. He entered public life as the elder statesmen of the Old Dominion were passing away, but the names of Tyler, Stuart, Hunter, Wise, Baldwin, Conrad, Randolph, Seddon, and other distinguished actors in public affairs were still lingering on the tongues of men when he came to his work in this high forum. He was, like them, bred in the atmosphere of the ancient dominion, and feeling the pulsations of

the former time. He was nourished in his youth amid the influences of the old régime, and like some vigorous giant of the forest he threw out his roots deep down into the soil of Virginia, and in every fiber he was the product of that Commonwealth of high thought and great action which have won for her the proud title of mother of statesmen. But each generation has its vicissitudes that exert a distinctive influence in the formative period of character. Like the earlier statesmen following the close of the Revolution, DANIEL had passed through the fiery ordeal of war. Thus it happened that his manhood had been perfected in his youth, and his military experiences had strengthened his resolution and had imbued him with unusual fortitude. So often had he been in imminent peril, so often had he looked with composure as death made havoc on either side and companions fell about him, that his very nature became permeated by a heroic disregard of all considerations save alone the strict performance of personal duty.

Thrice wounded, he suffered painfully, and although he survived, the old wounds of the battle field finally hastened him to the grave.

Trained as a lawyer in association with his estimable father, Judge Daniel, he knew none of the arts of shrewd pettifoggers, but built on the bedrock of comprehensive jurisprudence. Thus, not unnaturally, he became an author, and his work on Negotiable Instruments at once attests his industry, his juridical learning, and his legal acumen. Immediately this valuable compendium of the law was received by the courts as authority, and had his life then ceased his monument was already erected.

But Virginia realized his worth, and the most coveted honors his people could bestow freely awaited him.

In 1887, transferred from the House of Representatives to this body, he entered on a career honorable not alone

to himself but to the great State whose political traditions he so admirably maintained.

Well equipped, familiar with public questions, with a mind trained by exacting study, and richly endowed with logical powers, he was at once accorded an enviable position among the distinguished Senators of that period.

His particular associates—those southern Senators with whom naturally he became most intimate—had, like himself, been actors in the struggle between the sections, and, animated by a large patriotism, were ardently seeking to reestablish fraternal relation among the people of the Union, while zealously laboring to promote the happiness and prosperity of the Southern States.

There were the mighty Vance and the wise Ransom, the noble Hampton and the accomplished Butler, the brilliant Gordon and still more brilliant Hill, Pugh and Morgan, Walthall and George, Gibson and Eustis, Bate and Isham G. Harris, Beck and Blackburn, Vest and Cockrell, Kenna and Faulkner, Reagan and Berry—a galaxy of representative southerners, uniting shining talents with rare excellence of personal character. In their midst the accomplished Senator from Virginia found his appropriate place, and with them he illustrated in this forum those sterling virtues that have long been ascribed to the most distinguished of our southern statesmen.

Four times was he elected a Senator, and the years of his service here covered a period of remarkable interest in the annals of our country. It was while he was giving voice to Virginia's patriotism in this Hall that Fitzhugh Lee and Wheeler, once Confederates, were leading to glorious victory the boys in blue on foreign soil, and the embers of the long war were finally and forever extinguished.

Momentous measures constantly arose to claim the attention of the statesmen of that period, and Mr. DANIEL'S

positions were always comprehensive, liberal, and patriotic. He was not merely a representative of Virginia, but a Senator of the United States, his great heart beating in unison with the mighty pulsations of the entire Nation.

His fame extended throughout the confines of the Union, and his name became a household word at the South, and especially in the homes of the people of North Carolina. Close to Virginia, North Carolina watched with pleasure and with pride the brilliant career of this illustrious son of the Old Dominion and cherished for him a personal attachment and a particular regard.

The people of that State were ever in sympathy with his positions on public affairs and fully recognized his sterling worth and eminent services.

But as splendid as was his performance in this forum, his chief triumph came to him outside of these walls.

When the Nation's memorial to the immortal Washington was finished and an orator was to pronounce the eulogium on the great Virginian, DANIEL was selected as the fittest American of his generation to embody the sentiments of his countrymen in harmonious language.

As an orator he was superb, and on that memorable occasion his surpassing eloquence received the plaudits of the continent. Indeed, as distinguished as he was as a thinker, a man of learning and as a statesman, it was as an orator of superlative powers that he won his highest title to fame. He possessed the creative faculty in extraordinary measure; and, indeed, it might well have been of him that Gladstone wrote:

He has a delicate insight into beauty, a refined perception of harmony, a faculty of suggestion, an eye both in the physical and moral world for motion, light, and color; a sympathetic and close observer of nature, a dominance of constructive faculties, and that rare gift—the thorough mastery and loving use of his native tongue.

And how well does this further quotation describe the style of his finished addresses:

It is paramount in the union of ease of movement with perspicuity of matter, of both with real splendor, and of all with immense rapidity and striking force. From any other pen such masses of ornament would be tawdry, with him they are only rich. Like Pascal, he makes the heaviest subject light; like Burke, he embellishes the barrenest. When he walks over arid plains the springs of milk and honey seem to rise beneath his tread. The repast he serves is always sumptuous, but it seems to create an appetite proportionate to its abundance.

As Senator DANIEL's distinction was founded on eminent merit, he wore his honors with graceful ease, and with his varied accomplishments there were united a generosity and an urbanity of carriage that rendered him an agreeable companion.

He was cordial, genial, bright, always full of hope, looking to the future with confidence as if it ever presented to his view the rainbow of promise.

With such a social bearing, intercourse with him easily ripened into affectionate regard; and not merely was he admired and esteemed, but there was a gentler touch that drew his friends close bound to him.

So that when at length he was detained from his accustomed place in this Hall and when the sufferings of the last days came there was a genuine sympathy felt here that penetrated every heart. In that protracted struggle, hovering between life and death, he bore himself manfully. There was no falling away.

His resolution never quailed. His spirit was firm to the end. Undaunted he saw that dread vision, which in strength and health seems so remote, draw nearer and nearer, and without a vain regret he entered on the experiences of the world beyond. Recalling his fortitude in that dark hour, may not we, his associates, hold the

ADDRESS OF MR. SIMMONS, OF NORTH CAROLINA

conviction that not merely was he sustained by the assurances of that Christian faith whose precepts he observed, but that boldly and without fear or misgiving he essayed the passage to the bosom of the illimitable ocean of the mysterious future well buttressed and buoyed by the confident hope expressed by the poet:

And though from out our bourne of time and place
The flood may bear me far,
I hope to see my Pilot face to face,
When I have crossed the bar.

ADDRESS OF MR. SWANSON, OF VIRGINIA

MR. PRESIDENT: It is with profound misgivings that I undertake to make a fitting tribute to the character, the worth, the achievements, and the genius of the illustrious lawyer, orator, statesman, and soldier in whose memory these memorial exercises are held. I realize that I can but feebly express the great sorrow entertained by the people of Virginia at his untimely death, and their deep love and admiration, mingled with a profound reverence, for his splendid virtues, his varied and brilliant achievements. Of all the eminent public men who have adorned and illumined the history of Virginia none of them ever had a longer career of success and approval; none ever retained more continuously the abiding and abounding love of her people. He was so intrenched in the confidence and affection of the people of Virginia that no faction dared to assail him, no demands of partisan politics could induce even the most reckless and unscrupulous to attack him. For more than a decade the clouds and storms of party and political strife have been unable to reach the lofty heights to which the esteem and the love of the Virginia people lifted him.

In Virginia he stood preeminent; above all others, surrounded with a halo of universal love, admiration, and reverence. He had worthily won this rare, peculiar place and this high distinction from his native State. No Virginian who ever lived had heart stirred with a purer patriotism or thrilled with a deeper love for Virginia than Senator DANIEL.

From early manhood to the hour of his death, in peace, in war, in the dark hours of her gloom and defeat, this devoted son of Virginia firmly, faithfully, and fearlessly served her. Virginia's honor was his honor; her wrongs were his wrongs; her failures his failures; her success was his success. In his deep, passionate nature flamed an eternal love for his State.

Senator DANIEL was the very highest type of a Virginian; a name synonymous with the most attractive and most splendid qualities of human character. Sunshine scintillated from every lineament of his pleasing face; geniality radiated from his warm, generous heart; a rare knightly courtesy characterized his manly deportment. To women he ever extended a deference and reverence bespeaking innate refinement and purity. A devoted husband and father, a kindly neighbor, a loyal friend, he possessed in a marked degree those sterling Anglo-Saxon home virtues which have constituted the foundation of its greatness and has made it the world's conquering race. When interested, his conversational powers, whether on light or weighty matters, were unexcelled. His deference to and consideration for others were noted and at once won the hearts of those with whom he was brought in contact. No person whom I have ever seen surpassed him in pleasing personality or possessed in a superior degree every indication of distinction. His Roman face and features of rare and unexcelled beauty ever radiated with luminous thought and gleamed with the sunlight of genius. These attractive personal traits were adornments that gave charm to a strong manly nature. He was a man of tireless energy, strong convictions, superb moral and physical courage. No misfortune could bring despair to his brave and stout heart. No personal sorrow, no great disappointment could retard his dauntless spirit in its effort for achievement. Though born and reared amid

all the surroundings of wealth and luxury, yet when the misfortunes of Civil War swept all of these away, manfully, cheerfully, he accepted the changed conditions of poverty and hardship and struggled to earn a competence for himself and others, and with no assistance but what came to him from a brave heart and a great mind he attained the fame and the prominence which afterwards came to him.

Though defeated twice in his efforts to be governor of Virginia and twice in his efforts to become a Member of the House of Representatives, yet he did not despair, and by his conduct and magnificent bearing in the hours of defeat proved himself worthy of success, acquired the confidence of the people and captivated their affections until he obtained every honor and distinction that Virginia could bestow and was elected for five terms as a Member of this honorable body. Thus, alike in defeat and in victory, he displayed his preeminence and greatness.

Senator DANIEL was a man of positive convictions, and without a shadow of turning adhered firmly and steadily to his party's tenets. For more than 30 years he was one of the ablest and most eloquent defenders of Democratic principles in this Nation. On the hustings, in the press, in the legislative halls of State and Nation he was the bold, brave champion of Democracy—one of its acknowledged and most beloved leaders. In his early life, when rejected repeatedly by the Democratic Party, he manfully acquiesced, never sulked or swerved from party fealty. He proved himself too good and too great a man to desert his people because they failed to crown him king.

Senator DANIEL was a man of absolute scrupulous honesty. A great orator has well said:

Honesty is the oak around which all other virtues cling, without that they fall and groveling die in weeds and dust.

The paths of his public life were crowded with vast power, responsibility, and opportunity, yet no stain ever followed his footsteps. His pure clean hands were never soiled by the betrayal of public or private trust.

Senator DANIEL was a man of unflinching courage and intrepid spirit. When the war between the States commenced he was a youth of 19 years; yet so ardent was his patriotism, so brave his heart, so resolute his will that he at once volunteered and was commissioned as a second lieutenant in the Twenty-seventh Virginia Regiment, a part of the Stonewall Brigade. Nothing can be more heroic, no picture more striking than that of this beardless youth charging with the Twenty-seventh Virginia Regiment at the Battle of First Manassas, and aiding in winning that great victory which made the name of Stonewall Jackson immortal. I shall ever remember the vivid descriptions I have heard him give of his experiences in this terrific battle—his first baptism in blood and war. His gallantry, his courage, his aptitude for war soon won him distinction and secured for him rapid promotion; he became major and chief of staff for Gen. Jubal A. Early. He displayed special skill and gallantry as a staff officer at Boonsboro and at Sharpsburg, the fiercest and bloodiest battle of the war. He also rendered conspicuous service as chief of Gen. Early's staff in Gen. Lee's second invasion of Maryland, which culminated in the Battle of Gettysburg.

During his three years of continuous service in the Confederate Army he participated in the campaigns of the Army of Northern Virginia, shared all of its privations and dangers, fought gallantly in its fierce and stubborn battles, winning daily new honors for devotion to duty, for courage and gallantry. During the service he received four wounds, the last one being of a serious and dangerous nature, which made him a cripple and a suf-

ferer from unremitting pain until his death. On the 6th of May, 1864, during the battle of the Wilderness, recognizing that an emergency existed and believing that the troops needed a mounted officer to lead them on a difficult and perilous charge, though it was not his duty, he volunteered, and was gallantly leading the Thirty-third Regiment of the old Stonewall Brigade when he was dangerously wounded, his thigh being shattered by the bullets of the enemy. Thus this hero fell wounded while his comrades marched on to victory inspired by his gallantry and genius. This wound rendered him useless for active service in the field. But for this wound there is every reason to believe that on account of his high reputation, his splendid record, his gallantry and genius for war, he would very soon have been promoted to brigadier general, possibly the youngest in the Confederate Army.

Thus, while a mere youth, he displayed in a striking degree those qualities of energy, quickness of conception and action, courage, willing endurance of toil and privation, which make a great soldier. His record in the Army, his writings and discussions upon military questions, indicate that with further opportunity he would have attained great success and distinction as a most capable soldier.

Mr. President, the great reputation which he acquired in youth as a soldier was but a prelude to the greater eminence which afterwards came to him as a lawyer, orator, and statesman. In each of these three great departments of human endeavor he labored successfully and acquired great fame. In the great profession of law, which requires for success discriminating judgment, acute intellect, clear and logical reasoning, he early became one of the most successful and foremost members of the bar of his native State, noted for its able and eminent lawyers. In many new and perplexing legal problems presented

for decision by the courts occasioned by the Civil War and the many social and financial upheavals incident thereto, he was counsel, and by his legal learning and clear reasoning fixed the law governing these cases and conditions. His many briefs and arguments presented to the court of appeals of his native State on new and important legal questions of this character would alone constitute a successful life-work of a lawyer.

Whether addressing court or jury, no one could surpass him as an advocate, no one present a case more strongly and clearly. No one could work more incessantly and without producing fatigue of mind or body. During his whole life, when occasion required it, he was the very incarnation of tireless work and energy. One has but to read the reports of the supreme court of appeals of Virginia during the years of his early life, when he was in active practice, to obtain evidence of his greatness as a lawyer and of the immense and successful practice he possessed.

What is still more remarkable, while actively engaged in prosecuting the profession of law, with a large and lucrative practice, his spare moments were utilized in the preparation of two law textbooks, "Daniel on Attachments" and "Daniel on Negotiable Instruments." His latter work, "Daniel on Negotiable Instruments," is the best, most complete, and the recognized authority on this question, not only in the United States, but also in the English-speaking world. It is conceded that Daniel on Negotiable Instruments, Cooley on Constitutional Limitations, and Benjamin on Sales are the three great law textbooks of our generation. It is amazing that a young man, actively engaged in the practice of law, with an immense practice, engaged at the same time in the turmoil and strife of political life, could have found leisure to prepare such a textbook on such an intricate subject

of law, containing an immense amount of research and a rare combination of detail and generalization, with such clearness of expression and breadth of conception as to make it an acknowledged authority, and so successful that it has gone through repeated editions. It furnishes proof of the breadth of his intellect and the brilliance of his varied attainments. His legal acquirements were such that he would have adorned, with his intellect and learning, the Supreme Court of the United States.

Mr. President, a great lawyer is naturally a successful and constructive statesman. The history of the legislation of the world exemplifies this. Thus it should occasion no surprise that Senator DANIEL's eminence as a lawyer was equally signalized in his work as a legislator. In his native State he served in the house of delegates from 1869 to 1871, and in the State senate from 1875 to 1881, and also in the recent constitutional convention, which prepared the present State constitution. He was easily the leader in each of these legislative bodies during the time he served. Many of the best and most important institutions, many of the wisest and most far-reaching laws of the State are the results of his constructive handiwork.

He was one of the pioneers and foremost advocates of the establishment of free schools in Virginia, with all of their resultant blessings and benefits. He was the author of the law in Virginia giving the employees of transportation companies the first lien upon the property of the companies for their wages and also the law permitting the personal representative of a decedent to recover damages for the death of the intestant, when occasioned by the wrongful act of a corporation. He was the originator and the promoter of the measure giving the counties, cities, and towns of the Commonwealth power to tax the railroads within their borders, which measure alone

has been the source of inestimable benefit and progress to the State. In the last State constitutional convention he was the author of the suffrage provision, which was finally adopted as a part of the constitution of Virginia, and thus he successfully solved the most difficult and perplexing problem that confronted the convention.

Time will not permit me to enumerate the many beneficent laws which his mind conceived, his hand wrote, and he enacted for the betterment of the people of Virginia. Suffice it to say that though his services in the legislative halls of his State were limited, yet Virginia can point to no son whose achievements in State legislation can exceed his.

He served two years in the House of Representatives and 23 years as Senator in this honorable body. From the day of his entrance here to his death he occupied a most prominent position in the deliberations of this body. For years he was one of the most influential members of the Committee on Foreign Relations of the Senate and counseled and controlled as much as anyone our relations with foreign nations. He was an active and distinguished member of the great Appropriations and Finance Committees of the Senate, and thus potential in all matters affecting the appropriations and revenues of the Government. His many able and eloquent speeches upon constitutional questions, control and regulation of railways, restraint of trusts and combinations of capital, currency and banking, tariff taxes, other various questions of taxation, and many other subjects, clearly indicate the extensive scope of his research, intellect, and ability. Upon all the important questions that came before the Senate during his service, in just conception, in thorough study, in full realization of the important and far-reaching bearings, he was excelled by none.

By his services in the Senate he acquired a national reputation for statesmanship, ability, courage of convictions, and soundness of judgment. The esteem and admiration entertained for him were coextensive with our National Government. If he had lived in some other section of this country besides the South many years ago he would have been nominated on the Democratic ticket for the Presidency, with splendid chances of success. He possessed those qualities of mind, heart, and will which would have made a great President—fit company for the illustrious Virginians who had so well filled this high and exalted position. At the Chicago convention in 1896, so profound and extensive was the esteem and admiration of the Democratic Party for him that he could easily have had the nomination for Vice President if he would have accepted it. He unselfishly waved this honor aside for what he believed was to the best interest of his party.

In all that constitutes true, broad statesmanship Senator DANIEL was preeminently endowed, and if Virginia had been as potential in this Nation as she was in former times, possessing as he did the universal confidence and admiration of his native State, he would have attained position as high and influence as great as that wielded by the illustrious Virginians in the early days of this Republic. In character and capacity he measured up to these great men.

Mr. President, as great and varied as were these endowments, yet nature had given him other gifts richer and rarer. He possessed the divine power of eloquence. He gave new graces to speech; taught new charms to eloquence. His brilliant, flashing eyes, his stirring, musical voice, his apt and beautiful gestures, his exquisite, expressive features, beaming with fire, intelligence, and genius, gave him a charm and power of oratory rarely surpassed. He was equally the master of pathos and humor. He could

reason with irresistible logic to the court and afterwards easily draw tears from the jury by a passionate appeal. He was equally at home in the rough and tumble conflicts on the hustings or in the dignified debates of the Senate. He could deliver a literary address of great beauty and elegance and afterwards discuss a great constitutional question with a majestic flow of thought and intellect. His literary taste was unexcelled; his illustrations original and impressive; his diction pure and classic. His addresses were broadly and splendidly conceived and beautifully executed.

His addresses unveiling the Lee monument at Lexington, Va., and the Washington Monument in this city are masterpieces, and will be read and studied as long as eloquence is cherished. These two orations, in beauty of conception and expression, are equal to any of his generation. His address upon the Battle of Gettysburg in vividness, clearness, and eloquence of description can not be surpassed. His addresses upon the life and character of Jefferson Davis and to the Congress of the United States commemorating the centennial of the building of Washington would alone place him in the first rank as an orator. Though his lips are now silent, he will eloquently speak to generations yet to come in the splendid classical orations which will be preserved as a part of the best specimens of the eloquence of his generation.

Mr. President, these many and varied brilliant qualities were combined with a great soundness of judgment and great political sagacity. Ere he attained the age of 40 he became the acknowledged leader of the Virginia Democracy, which position he held unimpaired and undisputed until his death. So wise was his counsel, so sagacious his judgment, that in all these years of leadership he never lost but one political battle, and that was in

1881, which defeat he quickly repaired, and from that time on he led his party to continuous victories and triumphs. For the last 30 years he drew nearly every platform of the Democratic Party of his State. Thus beneath his brilliant, shining qualities were embedded great prudence, judgment, and wisdom. These qualities enabled him to successfully encounter great political storms and upheavals, and he honored with the rare distinction of being elected five times to this honorable body practically without opposition.

Mr. President, the character of Senator DANIEL and the natural aspect of his native State always to me seem to have a strange and striking conformity. Virginia is largely composed of rich, fertile fields; large and broad plains, decorated with hill and mountain scenery of surpassing beauty. So with this great son. He was endowed with a strong, broad, masculine mind and heart, sparkling with the fascinations of a charming personality and glittering with the coruscations of eloquence and genius.

Sirs, the greatest of all English novelists in his masterpiece, "Vanity Fair," has truly said:

The world is a looking-glass and casts back to each man the reflection of his own face; if he smiles upon the world, it smiles upon him; if he frowns upon it, it frowns upon him; if he hates it, it hates him; if he loves it, it loves him.

How profoundly is this truth illustrated in the magnificent career of this distinguished soldier, lawyer, statesman, orator, and leader! He faced the world with a genial, tender smile and it received him with open, loving arms. He loved humanity and he lived and died the idol of his people. He trusted the people, and with implicit confidence his people, with loving faith, placed their hands in his and followed his leadership and guid-

ance. His people showered upon him great honors and important trusts.

Well might we of Virginia feel a pardonable pride and a laudable love and admiration for our famous soldier boy, our eminent lawyer, our illustrious statesman, our brilliant orator, our sagacious leader!

Mr. President, Carlyle in his splendid essay on Voltaire has truthfully said:

The life of every man is as the wellspring of a stream, whose small beginnings are, indeed, plain to all, but whose ultimate course and destination as it winds through the expanse of infinite years only the Omniscient can discern. Will it mingle with the neighboring rivulets as a tributary, or receive them as their sovereign? Is it to be a nameless brook, and will its tiny waters among millions of other brooks and rills increase the current of some world-famed river? Or is it to be itself a Rhine, a Danube, an Amazon, whose goings forth are to the utmost lands, its floods an everlasting boundary line of the globe, itself the bulwark and highway of whole kingdoms and continents?

As to which a man's life shall be, whether a tiny stream, giving the current of its life to others, or a magnificent river, receiving the waters of smaller rivulets, depends largely upon one's talents and opportunities, but more than all else upon one's efforts, will, and ambition. Senator DANIEL, possessing high qualities of mind and splendid talents, aspiring and ambitious, chose to make and did make the stream of his life as it ran with its pure waters to the great eternal ocean a large and majestic river, known far and wide, fertilizing broad fields, enriching States, and carrying on its bosom rich treasure for his country and mankind. It is by the lives and sacrifices of such men that States and nations are made strong and great.

A poet has well expressed it:

What builds a nation's pillars high,
What makes it great and strong?
What makes it mighty to defy
The foes that 'round it throng?

Not gold, but only men can make
A nation great and strong;
Men, who for truth and honor's sake,
Hold still and suffer long.

Brave men, who work while others sleep,
Who dare when others sigh;
They build a nation's pillars deep
And lift it to the sky.

ADDRESS OF MR. MONEY, OF MISSISSIPPI

MR. PRESIDENT: Shakespeare in speaking of a great contemporary poet condensed a volume of eulogy into four words—

O rare Ben Jonson.

I could say as justly, "O rare JOHN DANIEL." In advanced thought and in thorough appreciation of the intellectual development of the age he was among the first men of his time, but in certain phases of character he was an anachronism. He lived in an age that is past, when to be a gentleman was above all title and all place. Without any taint of the commercial spirit of the age, without a disposition to extravagance in living, it may be said of him as once was said of a great British secretary—"modern degeneracy had not reached him."

The oratory of JOHN DANIEL was of the ornate sort as to the vehicle, and the ideas it conveyed were profound. It was said of Edmund Burke, whose oratory made him the master of the British House at the age of 34, that his eloquence was always captivating, but not always convincing. DANIEL could convince as well as charm, and while the oratory is not always logical it is well to remember that his great book, *Daniel on Negotiable Instruments*, is the authority at home and in English-speaking courts abroad, and that book could have been the product only of a great logical mind. I mention him with Burke, because to me they seem more nearly than any other two moderns

in the splendor of their rhetoric and in the force of their ideas to approach the "melodious thunder of Tully's eloquence."

DANIEL was a proud man, without vanity; a proud man in the sense that he never forfeited his self-respect by doing a mean, a small, or an ungenerous thing. Respecting himself, he expected to receive the respect of every man; and he was not disappointed. DANIEL never talked loud and never talked about anybody. He was exceedingly chary in expressing his opinion of men, and while enjoying an intimacy with him of which I am proud, I never heard him speak disparagingly of anyone. When he gave an opinion it was always in the most temperate language.

He was reserved in his manner, although exercising always the utmost courtesy—the politeness of a well-bred man toward everyone who came in contact with him, whether they were great or small. No man was of increased importance on account of official position or wealth in his estimation. He was not disposed to make a show of his opinions, and much less of his emotions. He was not a talkative man; but when much interested he spoke with beauty and force. Beneath his reserve he was a man of the warmest affections and the strongest feelings.

His afflictions, which were great, were not generally known to the world. He did not expose his misfortunes and challenge sympathy. He wanted no man's pity, no man's commiseration. Self-reliant, he received the shocks of grief and the misfortunes that came to him with a composure that was no index to the feeling within.

I doubt if any man in this Senate, at any time, was ever more respected by all, admired by many, and most deeply loved by a few. He could not be promiscuous in the relations of friendship; he treated all with courtesy, but few were admitted into his heart.

The great State which her own citizens love to call the "Old Dominion" has been generous in her gifts to this Nation in her great men in the highest standard of character, and in her State institutions. Among her generous gifts there is none that was richer than JOHN WARWICK DANIEL.

He may have been said to have had within himself the accumulation of generations of talents. His father and his grandfather were orators, great lawyers, and judges of the supreme court of Virginia. His grandfather's cousin was an Associate Justice of the Supreme Court of the United States. He might well have been descended from an English poet laureate of the sixteenth century, to whom admiring critics gave the unique title of "Well-languaged Daniel."

His worth was early discovered, and he was called successively to the lower and upper house of the Assembly of Virginia, where he distinguished himself by his devotion to popular rights and his sagacious forethought.

When quite a young man he was nominated for governor of Virginia, and made one of the most brilliant campaigns in the history of that State. DANIEL considered this a fight for the honor of Old Virginia, and with his punctilious ideas of honor he looked upon the readjustment of Virginia's debt as an assault by a part of her citizens upon her good name. He entered the campaign with an honorable ambition of preserving the escutcheon of his State from blemish, and with the real gaudia certaminis he entered the fight eager to end the quarrel by "push of pike and stroke of sword."

While he was defeated yet he reaped an abundant reward, for he was selected, and forever, as the popular hero and favorite of his State, to whom no honor in the future was to be denied.

MEMORIAL ADDRESSES: SENATOR DANIEL

Senator DANIEL was, in one sense, a bookworm—a man who read at every opportunity a busy practical life permitted. He loved books; they were his treasures, and he found a charm in them which was known to few men. His thorough learning was acknowledged by two great institutions, the Washington and Lee University and the University of Michigan awarding him the degree of doctor of laws.

Soon after our acquaintance began DANIEL became to me a curious study. He was unlike anyone else whom I knew. The deep respect I had for his character and abilities soon ripened into a warm and affectionate friendship, and, counting many friends whom I love, no one could be more sadly missed by me than this heroic and gentle soul.

“After life’s fitful fever he sleeps well,” and in that other and better place or condition of the soul’s existence, where the good and the great of this world are associated eternally, there will be found JOHN WARWICK DANIEL.

Mr. THORNTON. Mr. President, I move, as a further mark of respect to the memory of Mr. DANIEL and Mr. McEnery, that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 5 o’clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, February 21, 1911, at 12 o’clock meridian.

PROCEEDINGS IN THE HOUSE

DECEMBER 5, 1910.

Mr. JONES. Mr. Speaker, I offer the following resolutions.

The SPEAKER. The gentleman from Virginia offers the following resolutions, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOHN WARWICK DANIEL, late a Senator of the United States from the State of Virginia.

Resolved, That the Clerk communicate these resolutions to the Senate, and transmit a copy thereof to the family of the deceased Senator.

The resolutions were agreed to.

Mr. RANDELL of Louisiana. Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Louisiana offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That as a further mark of respect to the memory of the deceased Senators and Representatives the House do now adjourn.

The resolution was agreed to. Accordingly (at 12 o'clock and 49 minutes p. m.), the House adjourned until 12 o'clock noon to-morrow.

MEMORIAL ADDRESSES: SENATOR DANIEL

FRIDAY, *June 9, 1911.*

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the Clerk's desk and ask to have read.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the order which the Clerk will read.

The Clerk read as follows:

Ordered, That Saturday, the 24th day of June, 1911, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

SATURDAY, *June 24, 1911.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, above all, through all, and in all, to quicken, to inspire, to guide, amid the conflicting elements, the profound problems, the strenuous duties which appeal to every serious, strong-minded, noble-hearted man, we thank Thee for the special order of the day in memory of such a man who met life and its problems with the courage and fortitude of a great soul and distinguished himself wherever he was called to serve—on the field of battle, at the bar of justice, in the legislative halls of State and Nation. Quick to perceive,

clear of judgment, wise in counsel, strong in action, eloquent of speech, a leader of men; patient, gentle, easy of approach, a friend of the friendless, a follower of the King of men; respected, honored, loved by all who knew him; called from a life of usefulness with a character full rounded out, a passport to the realms of eternal life; we thank Thee for what he was and for what he did, and we pray that his example may inspire us and those who shall come after us to earnest endeavor and purity of purpose. Be graciously near to all who mourn him, especially the bereaved wife and children, to uphold, sustain, and comfort them in the blessed promises of the gospel. And glory and honor and praise be Thine forever, through Jesus Christ our Lord. Amen.

The SPEAKER. The Clerk will report the special order of the day.

The Clerk read as follows:

On motion by Mr. FLOOD of Virginia, by unanimous consent,

Ordered, That Saturday, the 24th day of June, 1911, at 12 o'clock noon, be set apart for addresses on the life, character, and public services of Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

The SPEAKER. The gentleman from Virginia [Mr. Flood] will please take the chair.

Mr. FLOOD of Virginia assumed the chair as Speaker pro tempore.

Mr. JONES. Mr. Speaker, I ask for the adoption of the resolution which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved, That the business of the House be now suspended that opportunity may be given for the tribute to the memory of Hon. JOHN W. DANIEL, late a Senator from the State of Virginia.

MEMORIAL ADDRESSES: SENATOR DANIEL

Resolved, That as a further mark of respect to the memory of the deceased, and in recognition of his eminent ability and illustrious public services, the House, at the conclusion of these memorial services, shall adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The question was taken, and the resolutions were agreed to.

MEMORIAL ADDRESSES

ADDRESS OF MR. JONES, OF VIRGINIA

MR. SPEAKER: In the death of JOHN WARWICK DANIEL the Commonwealth of Virginia has lost her most beloved as well as her most eminent citizen, the Senate of the United States one of its most honored and distinguished Members, the South a loyal and devoted son, and the country at large a statesman whose patriotic endeavors were neither circumscribed by party lines nor confined to any section of the American Republic.

We are met to-day for the purpose of paying sincere tribute to the memory and fame of this great Virginian.

Although I enjoyed for many years the high privilege of his personal acquaintance and friendship and was associated with him more or less intimately in the discharge of those political and public functions in which we had a like interest, and although in common with every other Virginian I feel the keenest pride in his brilliant career and stainless life, I am not unmindful of my inability to do justice to a subject so well worthy the loftiest expressions of praise and eulogy. For this reason I shall only attempt a brief sketch, a bare outline, of a life which is destined to fill many of the brightest pages of the history of a State which has given to the world so many preeminently great and noble men. To those who shall follow

me I shall leave the pleasing task of portraying his character and recounting his achievements.

For more than 40 years, many of them the most eventful in its history, Senator DANIEL was a conspicuous figure in the life of Virginia. For more than half of this period he occupied a seat in the Senate of the United States, where he served his State and country with singular ability and won for himself great distinction and enduring fame.

He was born in Lynchburg, Va., on the 5th day of September, 1842, and there, after an illness which covered many sad and weary months, he entered into the Great Beyond on the evening of the 29th of June, 1910. His biographers tell us he came of a family greatly distinguished in the annals of Virginia, and this is easy of belief for those of us who were so fortunate as to be brought into personal contact with him, and who were thus afforded the opportunity to observe his innate refinement, his charming manners, and his courtly and dignified bearing. His father, William Daniel, jr., sat for many years upon the bench of the Supreme Court of Appeals of Virginia, and enjoys the reputation of having been a just, learned, and incorruptible judge. His grandfather, William Daniel, sr., was also a jurist of high character and enviable repute, so that Senator DANIEL may be said to have been born to the profession of which, in after life, he was so eminent a member and which he so conspicuously adorned.

His education was received at the private schools of Lynchburg, at Lynchburg College, and at the famous university school so long conducted by that distinguished educator, Prof. Gessner Harrison.

He was but 18 and yet at school when the tocsin of war between the States was sounded. Instantly he laid down his studies, and promptly—yea, even joyously—he

enlisted as a private soldier in a cavalry company raised and organized in Lynchburg. This command had seen no service in the field when young DANIEL received a second lieutenant's commission from the governor of Virginia and was assigned to the Twenty-seventh Virginia Infantry Regiment, of which he subsequently became the adjutant, and with which he served with distinction in the first battle of Manassas. In this, the first of the many bloody conflicts in which he participated, he received three wounds, one of which came dangerously near to permanently disabling him, although such was his intrepid spirit that only a short period elapsed before he was again with his command and at the front.

Having been elected adjutant of the Eleventh Virginia Regiment of Infantry, he served with this command until March, 1863, participating in all the bloody conflicts in which up to that time it was engaged. At Boonsboro, in September, 1862, he was again wounded and temporarily disabled, but so wonderful were his recuperative powers and youthful vigor that within 90 days he again reported for duty on the firing line.

At the conclusion of his service with this command he was commissioned adjutant general and assigned to duty upon the staff of Gen. Jubal A. Early, where he served with conspicuous gallantry and marked efficiency until, on May 5, 1864, at the Battle of the Wilderness, he received the cruel wound which left him a cripple for life, and on account of which, in after years, in love and admiration, his people conferred upon him the proud title of the "Lame Lion of Lynchburg."

The war over, this maimed and battle-scarred young hero, with unshaken courage and undaunted spirit, began his preparation for the battle of life—that stern conflict in which he was destined to win great civic victories—by entering the law school of the University of Virginia.

Having completed his law course at this famous institution of learning, he at once began the practice of the profession in which he rose rapidly to distinction.

Others have spoken elsewhere, and others still will speak here, of his brilliant career as a lawyer. I may only say that his forensic triumphs were many and great, that he was not only distinguished as a practitioner of the law, but that he contributed abundantly to the jurisprudence of his country. His book, "Daniel on Negotiable Instruments," is justly regarded by the legal profession as a work of great merit and recognized authority, and had he bequeathed to posterity no other evidence of his high legal attainments, his reputation as a lawyer would rest secure upon this single production of his great brain.

But great lawyer as Senator DANIEL unquestionably was, he will be remembered chiefly by the people of his State as an orator who was without a rival in his day and generation. He loved his profession and never wholly withdrew from its practice, although early in his career he seems to have realized that it was too narrow a field for the display of his great and varied mental powers.

Moreover, he had scarcely begun the practice of the law when it became apparent to him that the State for which he had so often risked his life upon the battle field again stood in need of his services. As a result of the war many of her civil institutions had been swept away, and now her very civilization was seriously threatened. To rescue that civilization from the perils with which it was beset, the corrupt and deadly influences by which it was surrounded, and to restore to the real people of Virginia the instrumentalities of civil government and the guaranties of peace and social order was the herculean task to which young DANIEL, and the noble band of devoted men with whom he was associated, resolutely and cou-

rageously addressed themselves. In the memorable struggle which followed, a contest between virtue and intelligence upon the one side and vice and ignorance upon the other, the soul-stirring eloquence of JOHN W. DANIEL was heard from the mountains to the sea. And thus early he entered upon that splendid political career which continued for more than 40 years, and which was only terminated when he was smitten by the hand of death.

Commencing in 1869, he faithfully served the people of the city of Lynchburg and of Campbell County in the State legislature, at first in the house of delegates and afterwards in the senate, for a period of 10 years.

In the year of 1881 he became the candidate of the Democratic Party for the governorship of Virginia. His opponent was the erudite and accomplished William E. Cameron, who, like himself, had behind his candidacy a brilliant record as a Confederate soldier. The overshadowing issue was one that related to the settlement of the State's public indebtedness. Cameron was the nominee of what was then known as the readjuster party. The campaign which followed was a memorable one, perhaps the most memorable in the political annals of the State, but from the outset the result was a foregone conclusion.

This was the only defeat, if defeat it may really be said to have been, which JOHN W. DANIEL ever sustained at the hands of the people of Virginia. He came out of the contest the idol of his party. Henceforth he was without a rival in its affections.

Three years later he was elected to membership in this body from the Lynchburg district, but before he had completed his term of service he was chosen for the seat in the United States Senate, which he continued uninterruptedly to occupy up to his death.

The actual senatorial service of this great patriot and statesman covered a period of more than 23 years, but he had been reelected to succeed himself for still another term, and so firmly enthroned was he in the hearts of the people of Virginia that it was quite universally conceded that the exalted position which he had so long adorned was to be his until his life's end.

The length of the service in the Senate of the United States of no other Virginian ever approached that of JOHN W. DANIEL. In the earlier days of the Republic Richard Henry Lee, James Monroe, and John Randolph of Roanoke, had represented the "Mother of States and of statesmen" in that great body, and later on their places had been taken and long occupied by James M. Mason and R. M. T. Hunter, but no one of these greatly honored and justly distinguished Virginians served for half so long a period as the six terms for which JOHN W. DANIEL was successively chosen. This fact strongly attests the extent to which the confidence of the people of Virginia was reposed in him. That by no word or deed of his was that confidence ever for one moment shaken is a tribute as great as it is rare to the high efficiency of the public services, the purity of the patriotism, and the sublimity of the character of this splendid specimen of superb manhood.

His achievements in the world of politics were phenomenal. A mere recital of the many honors which a grateful people have heaped upon him show that not since the early days of the Republic has any other Virginian been so distinguished by public and political preferment. His brilliant career has been absolutely unique in the recent political history of Virginia. And yet, to his everlasting honor be it said, these distinctions and honors came to him as the well-earned rewards of splendid services rendered his State and country both in war

ADDRESS OF MR. JONES, OF VIRGINIA

and in peace, and in no single instance as the result of astute political manipulation and management. His steady and continuous advancement into public favor was due to no factitious circumstances. The love and esteem of a great and noble people can only be won and permanently retained by those whose lives and deeds have been such as to merit popular favor and to deserve a people's trust and confidence.

From the first hour of his public service to the last moment of his life the great powers of Senator DANIEL's superb intellect were consecrated to his country. He died as he had lived, in the full and perfect enjoyment of the love and confidence of the whole people of a great State, to the preservation of whose civil and political institutions and the advancement of whose highest and best interests he had dedicated the noblest endeavors of mind and of body. His precious memory will live long in the hearts of the people of Virginia, and his great and good deeds will ever remain a rich heritage to his descendants and his country.

ADDRESS OF MR. RANDELL, OF LOUISIANA

MR. SPEAKER: I had the pleasure of only a slight acquaintance with Senator DANIEL. We lived at the same hotel, and while I saw him frequently I rarely had an opportunity to converse with him. He was one of the most courtly, accomplished gentlemen I ever had the pleasure of meeting. He had a wonderful charm in conversation, and drew men to him in ordinary social intercourse by the same spell of magnetism with which he swayed the largest audiences. The characteristic that appealed most to me in this gentleman was the simplicity and naturalness of his manners, his earnestness, and the apparent goodness of his heart. It seemed to me, Mr. Speaker, that his good heart shone out of his eyes as strongly as I ever knew it to shine in any human countenance.

An incident was related to me not long ago by one of his friends, a man who loved him, that shows I was not wrong in this estimate of his goodness. Senator DANIEL once had a negro servant named Peter White, who was taken very sick some time after leaving his service. The Senator found it out accidentally, called on Peter, and saw that every attention and comfort was given to him. He called not once but several times on this poor colored man, and in doing so had to climb a steep flight of stairs. When you bear in mind that he was a cripple and always went on crutches it is apparent how much it meant to him to visit a poor sick man under those circumstances.

Mr. Speaker, we love and honor this great man for his splendid qualities as soldier, orator, law writer, statesman, but to my mind he never did a nobler thing nor one

which reflects greater credit upon his memory than the attention shown by him in his quiet, unobtrusive way to that poor servant. That was the act of a true man; that act showed the heart; and I repeat, sir, it was better than all his other great deeds.

I had the pleasure of hearing only one of Senator DANIEL's orations. It was delivered in this Hall about eight years ago on the occasion of the celebration of the one hundredth anniversary of the removal of this Capital to this city. The President and his Cabinet were here, the members of the Supreme Court, all the foreign legations, the Senate and the House of Representatives, and the galleries were packed to their very limit. I never saw a more distinguished audience. There were a number of speakers and the program was very long. When Senator DANIEL arose it was about 5 o'clock, and he held that great audience spellbound for nearly an hour. His address was carefully prepared and read from manuscript, but he delivered it so gracefully, with such a pleasing elocution, that I doubt if the average person knew that he was referring to notes. To me, sir, that was the most marvelous oration to which I ever listened; and when he finished, the greatest tribute of praise that I ever heard given by one man to another was paid to Senator DANIEL by the late Senator Hoar, of Massachusetts. It was about 6 o'clock when Senator DANIEL's address concluded. Many in that vast audience had engagements, and fully one-half of them arose and left the room. Senator Hoar advanced to the front of the platform, folded his arms, and stood looking on them as they filed out of the room. When the last one had gone, leaving about one-half of the audience present, he said, in his sweet, mellow tones, "Unhappy is he who cometh after a king."

Mr. Speaker, that was a beautiful tribute, and a truthful one, for he was to follow a great king of oratory. A

wonderful oration had been delivered by Senator DANIEL and no one appreciated it better than Senator Hoar, himself a fine speaker.

The last votes cast by Senator DANIEL in the Hall of the Senate were during the discussions on the Payne-Aldrich tariff bill two years ago. There was no stancher Democrat in the Union than JOHN W. DANIEL. He voted against that bill as a whole, because he believed it unjust in many respects; but when the question of a duty upon lumber was presented, in preparing the different schedules, he, along with the majority of his colleagues on the Democratic side, voted in favor of it. He believed such a vote necessary to place that great product of the South on a par with many other articles which were then being legislated upon, and he thought that free lumber in such a bill as that would be a most unfair discrimination against the South.

Mr. Speaker, I, in common with a number of other good Democrats in this Chamber, had cast a similar vote when that question was before us. And I assure you, sir, that I was a happy man when I saw the great DANIEL and many other of our honored leaders in the Senate take the same position there which many of us had taken here.

Senator DANIEL was a success in every walk of life. He gained renown as a soldier before he was 20 years of age. Starting as a private, he became a major before he was 20, and doubtless would have risen much higher had not an unfortunate bullet at the Battle of the Wilderness given him an awful wound, that caused him to go on crutches the remainder of his life. He was one of the best lawyers the State of Virginia ever produced. He was a great law writer. His book on "Negotiable Instruments" made DANIEL known and honored by thousands of young lawyers all over the country before they ever heard of JOHN W. DANIEL the orator, the Senator, and the

statesman. And this great work will extend his fame for ages.

His record as a statesman is one that his country will ever recall with pride. As an orator he occupies the very front rank of American public speakers. I doubt if any man in our history since the days of the immortal triumvirate—Calhoun, Clay, and Webster—was his superior as an orator.

Mr. Speaker, this great man was loved and honored throughout the Republic. His memory is a precious heritage not only to Virginia but to the entire country. I think, sir, that we may well say of him, paraphrasing somewhat the famous aphorism about Washington, that JOHN W. DANIEL was brave in battle, great in every art of peace, and loved by all his countrymen.

ADDRESS OF MR. CLARK, OF MISSOURI

MR. SPEAKER: From the beginning Virginia has been rich in great men—great statesmen, great orators, great jurists, great soldiers. So long as the world exists the names of her illustrious sons will be among the noblest on fame's eternal beadroll.

Patrick Henry precipitated the Revolution; Thomas Jefferson penned the Declaration; George Washington made that Declaration good on Yorktown's blood-stained heights; James Madison was "father of the Constitution"; and John Marshall its chief expounder. Her bill of rights, written by George Mason, has been considered a model for more than a century and a quarter. These were followed by a long line of men, distinguished in peace and in war, whose records are among the precious treasures of the Republic.

JOHN WARWICK DANIEL ranks high among Virginia's worthies. So far as the public is concerned, he appeared in a fourfold character—soldier, lawyer, author, orator. The universal testimony of his companions in arms is that he was a fine soldier. His brethren of the Virginia bar bear witness that he was a successful practitioner of the noblest of professions. Lawyers and courts everywhere cite his law books as standard authorities. All the world knows that he was one of the foremost orators of his time, and it is his oratory more than anything else or all things else which will perpetuate his fame to coming generations. He was richly blessed with the divine gift of moving men's minds and hearts by the power of spoken words. He was lavishly endowed by nature with the elements and qualities which constitute an orator. Some

men are so ugly and ungainly that it is a positive advantage to them as public speakers by reason of the pleasurable surprise which their eloquence creates. Others are so handsome and prepossessing that they win the hearts of their audience before they have opened their lips. To the latter category JOHN WARWICK DANIEL undoubtedly belonged. Of commanding presence, with a handsome and leonine countenance, courtly manners, a musical voice of great compass and far-reaching quality, a strong and well-trained mind, a warm and generous heart, a vivid imagination, he presented a superb picture to the eye and appealed with compelling force to the passions and emotions of all who heard him. He possessed the advantages of high family connections and of a collegiate education, to which was added the glamour of martial fame, achieved in his early manhood on many a bloody field. An Englishman dearly loves a lord and the average American dearly loves a soldier, and it can not be doubted that Senator DANIEL's military record aided him materially in his political battles. This is attested by the fact that Virginians fondly called him "the Lane Lion of Lynchburg"—most assuredly a helpful and fortunate sobriquet. For a generation he was the idol of his native State, and it was agreed by common consent that he should remain in the Senate so long as he lived, which he did. His reelection every six years was a mere formality to comply with the Constitution and the statutes of the land.

Virginia's great lyric orator, Patrick Henry, was dubbed "The forest-born Demosthenes." JOHN WARWICK DANIEL may be not inaptly denominated Virginia's Cicero. Henry's fame rests almost entirely on tradition; but DANIEL's is bottomed on the words which he actually spoke. The greatest of his orations is that on Gen. Robert E. Lee, which would have aroused envy in the bosom of

Tully himself. DANIEL's masterful oration recalls and illustrates what Daniel Webster said of eloquence in his oration on John Adams and Thomas Jefferson:

It must exist in the man, in the subject, and in the occasion. Affected passion, intense expression, the pomp of declamation, all may aspire to it; they can not reach it. It comes, if it come at all, like the outbreking of a fountain from the earth or the bursting forth of volcanic fires, with spontaneous, original, native force.

Webster was a great orator; he had a great subject on a great occasion, and he delivered a great oration. DANIEL was a great orator; he had a great subject on a great occasion, and he delivered a great oration—one which will be read with delight so long as our language is spoken by the children of men.

There was once a man named Hamilton, in the British Parliament, who delivered one splendid speech and could never be induced to make another speech. Hence he was nicknamed "Single-speech" Hamilton. Such was not the case with Senator DANIEL. He delivered many excellent speeches, several fine orations, but I give it as my literary opinion, for what it is worth, that his oration over Lee is the one by which he will be remembered, and by which he would choose to be remembered.

His theme was his old commander, one of the greatest of English-speaking captains; the occasion was the unveiling of the recumbent statue of that famous soldier, one of the most beautiful statues ever fashioned by sculptor's chisel; the scene, Lexington, Va., gem of the mountains, one of the loveliest spots betwixt the two seas, where Stonewall Jackson taught and prayed, and whence he went forth to win world-wide and imperishable renown. DANIEL's heart was in that oration. In it he will live; through it he will speak to his countrymen forever.

ADDRESS OF MR. RICHARDSON, OF ALABAMA

MR. SPEAKER: It is with instinctive hesitancy that I approach the presentation of the life and character of such a man as Senator JOHN W. DANIEL. I realize, Mr. Speaker, that I am in the presence of the life record of a great and noble man. Born to a proud name, reared under splendid influences, of superb presence, of brilliant mind and extensive education, the record of preferment of JOHN W. DANIEL by the people of Virginia marks a popularity that we find rarely equaled and never surpassed in this country. It is a difficult task, Mr. Speaker, to take up the record of such a life on an occasion like this and select its choicest flowers and present them to his admiring countrymen. In such a brilliant, useful life as that of Senator DANIEL we find along its pathway the blooming flowers of the sweetest charities of life, the gentlest graces of a chivalrous manhood, and a friendship and love for his fellow man that made for him a constantly increasing circle of friends. In his life, as I knew him, there shone in his character and permeated his life, as the soft rays of the setting sun rest upon a beautiful landscape, the inspiration of poesy that gives charm to intellect and beauty to life.

He stood nearer to that true type of the southern man that linked the heroic age of the South prior to the Civil War with the changed conditions and ruling spirit of the people that prevailed after the conflict than any man I knew.

On the outbreak of the Civil War, Senator DANIEL left his studies and took his place in the Confederate Army. A courteous, brave young man, with his bosom swelling

with pride and love for Virginia, reared midst the grandest and most heroic traditions that made the Old Dominion famous, honored, and respected throughout the civilized world, it was but natural for such a youth to step promptly into the ranks of the sons of Virginia, when the soil of the mother State was invaded by her northern foes.

His record as a soldier during that fierce conflict between the States of the South and the North is well testified to by the wounds he received. No hardship, no suffering from wounds could deter him, as a southern youth, from discharging his duties to the South. When ruin and desolation settled like a pall on the States of the South and reconstruction, the result of unrestrained sectional hatred, was reveling in its carnival of crime over a prostrate, brave, and helpless people, it was but natural that Virginia, in her hour of need, turned to such a brave son as DANIEL and bade him to come to her legislative councils. He was elected to the house and the senate of the State legislature. It was there in the ancient halls of Virginia, where the architects of our Federal Constitution had pointed out the oppressions of King George, that he demonstrated an oratory that gave him the just tribute of being Virginia's most courtly and charming orator since the close of the Civil War. But his star of destiny led him to a broader field. Virginia sent him to the National Capital, there to nobly preserve the glorious record of his great State. Free from sectional feeling, yielding to the inexorable arbitrament of arms, out of the ashes of defeat and the cruel blemishes of war, as a Senator from Virginia in the United States Senate he wrought sublimely for home, State, and country. What a splendid career was his, and victory was his greatest crown. It requires conditions, Mr. Speaker, to produce such men, as it required war to bring Gen. Lee and Gen. Grant to be known and honored throughout the world.

A distinguished man of our country, in speaking of conditions in the South before the war, said that the South, before the war, "stood for an impossible institution and a belated order of society." "Belated order of society." Could a society peculiar to the South—from the formation of the Government to 1860, impossible elsewhere by reason of the absence of conditions—could such a society, that gave Washington, Jefferson, Patrick Henry, John Marshall, and a long line of great names—a "society" that produced Robert E. Lee, Stonewall Jackson, and thousands of others, which same "society" gave impulse and tone to the life of such a man as Senator DANIEL—could such a "society" be denominated "belated"? It is the output of a narrow mind, where too much learning has made him mad.

Senator DANIEL loved the survivors of his brave comrades, and a true, cordial grasp of his hand was always extended to a Confederate soldier. He was with Gen. Lee, and the fires of his soul were kindled into a flame that burnt on the altar of his great heart, until death claimed him, by his contact with the world's greatest commander. It has been said that Senator DANIEL's speech, in telling the story of Gen. Lee's life, will live as a true specimen of sublime oratory as long as Appomattox will be mentioned in history. The prone statue of Gen. Lee above his last resting place has given the genius of Valentine an honored niche in the world's temple of art, but DANIEL's oration at the shrine will live after marble and brass has crumbled to dust.

Senator DANIEL was wise, prudent, and far-seeing, and he advocated and recommended that we should embody in our Democratic national platform Democratic standards in a straightforward, common-sense manner. I quote from a leading Virginia paper what Senator DANIEL

said about the platform to be drawn at the last Democratic national convention:

What we need, as I think, is a common-sense, plain, straightforward Democratic platform, which will stop at that. If the convention dissipates into persiflage, the voters will likely act accordingly and go in all directions. No great reform can be made in a day. Wise statesmanship must deal with transportation and with questions of the tariff and how to deal with the trusts sedately and prudently. The conserving spirit should never give way before the hot and destructive spirit that wants everything now and refused to emulate nature in her perfecting patient processes. Napoleon was great; but he lost by impatience. How poor are they who have not patience. What wound did ever heal but by degrees?

The extreme question of State's rights that came to the issue of battle has long been settled; but as long as the United States is a federation of States, questions of Federal and State jurisdiction will continue to arise and will be passed to the peaceful arbitration of the courts. Democracy has its fixed principles on the subject, and none has ever better stated them than Thomas Jefferson in his first inauguration address, when he stood for "the support of the State's governments in all their rights as the most competent administrations for their domestic concerns and surest bulwarks against antirepublican tendencies. The preservation of the General Government in its whole Constitution vigor as the sheet anchor of our peace at home and safety abroad."

These were brave words addressed to our party. The Democratic party sadly misses the wise counsel of such a man. I read the following tribute at the death of Senator DANIEL from the Richmond Times-Dispatch—the leading paper of the State of Virginia—and it so impressed me that I desire to help perpetuate it by giving it further publication on this occasion:

JOHN W. DANIEL breathed the true spirit of southern chivalry with all the grace of the perfect gentleman. He was urbane and gracious to all, humble in the flower and glory of his manhood, gallant and forbearing, gentle and considerate. He never stooped, as a man, to the baser deeds of politics, and he never

ADDRESS OF MR. RICHARDSON, OF ALABAMA

forgot, as a gentleman, the duties of his station and his birth. How much richer heritage that is than if he had been otherwise and died possessed of \$100,000,000.

Could greater praise be given a man? It comes from the leading newspaper of his State. His name and record is more "valuable than money." The encomium was truthful and deserved.

Mr. Speaker, I have said more than I intended to say. I was a great admirer of Senator DANIEL, and I was frequently in his company.

He has passed, Mr. Speaker, to his eternal rest, but his hold upon the hearts and affections of the people of the "Old Dominion" is undiminished, because he was a son "after the heart" of his native State. He will live long in the hearts of the men and women who love the South, its noble record and traditions, because we believe that Senator DANIEL typified what was truest and best in southern character—he was candid, courteous, and courageous, not on particular occasions and in certain things, but at all times and in all things.

Virginia, I dare say, has mourned the loss of sons with more illustrious careers, but never, Mr. Speaker, was there one, nor will there be in the future, a son of Virginia truer and prouder of the name, fame, and grandeur of old Virginia than JOHN W. DANIEL, who sank into his grave, in the soil of his native State, without a stain or suspicion on his life.

ADDRESS OF MR. KAHN, OF CALIFORNIA

MR. SPEAKER:

The wine of life keeps oozing drop by drop;
The leaves of life keep falling one by one.

It is given to but few men to shine with such resplendent luster in so many varied walks of life as shone our lamented friend, Senator JOHN WARWICK DANIEL, of Virginia.

While but a youth, 18 years of age, he joined the military forces of the Old Dominion, and as a soldier, fighting for the cause which he believed to be right, won his spurs upon the field of battle. Brave, fearless, dauntless, he gradually rose from the ranks to a major's station in the Southern Army. So badly wounded on May 6, 1864, during the Battle of the Wilderness, that he never was able thereafter to rejoin his regiment—for a Minié ball had shattered his left leg and rendered it practically useless during the remainder of his life—he never allowed any hatred of those who fought on the opposite side to rankle in his breast. With the surrender of Appomattox he cheerfully turned from thoughts of war to the arts of peace. And in those arts of peace he won additional renown and glory, not alone for himself and his kindred, but for his State and his country.

For as a young lawyer he soon attained great distinction as a member of the bar of the State of Virginia, and early in his career, by reason of his masterful knowledge

of the law and his brilliant forensic ability, he became one of its brightest ornaments.

As an author his fame soon became international. His work on "Negotiable Instruments" will continue a standard authority in that branch of jurisprudence long after we of the present generation shall have moldered into dust.

As a statesman his life and character will prove an inspiration to thousands who will come after us. His unquestioned honesty, his steadfastness of purpose, his devout patriotism, his unswerving devotion to duty, will encourage them to keep alive the fires of the noblest traditions of the Republic and to uphold inviolate the honor and the glory of this great American Commonwealth.

His classic features and his noble mien at once challenged the admiration of the beholder and stamped him as a man of mark in any assemblage.

For nearly a quarter of a century he graced the floor of the Senate. During all the years of that long and eventful period he participated in the discussion of practically all of the great questions that demanded in their solution the highest qualities of mind and statesmanship.

He was a strict party man but he never descended to the low level of blind, bitter, and vindictive partisanship in dealing with political opponents.

His own naturally broad intellect made him tolerant of the narrowness of men less liberally endowed than himself. Being of pure mind himself, he was willing to concede purity of motive to those whose views differed from his own.

Himself a man of strong and pronounced opinions on problems of great public import, he nevertheless permitted men to differ from him without impugning their integrity or questioning their fidelity to the people's welfare.

He scorned the obsequious cant of the political hypocrite, and he never sought to win the plaudits of the multitude by resorting to the dubious devices of the charlatan and demagogue.

He was one of that noble type which has been the embodiment of true greatness since the dawn of recorded time—that noble type of men who would preferably and gladly welcome defeat rather than stoop to conquer.

Small wonder, therefore, that he became a popular idol among the people of his own State. Small wonder, therefore, that when the solemn church bells tolled his funeral knell the grief of his bereaved fellow citizens was no less poignant than that of those who were nearest and dearest to him.

Mr. Speaker, I had been a Member of this House but a brief period when I first learned to know and to esteem Senator DANIEL. He visited my home city of San Francisco during the summer of 1900, and I had the pleasure of showing him some slight courtesies on that occasion. Some of our volunteer regiments were returning from the Philippines at that time, and he repeatedly expressed his great gratification upon the fact that we were indeed a reunited country, and that the War with Spain had helped to wipe out what little sectional feeling that still might have slumbered in either the North or the South.

The climate, the scenery, and the matchless fertility of California were a revelation to him, and to the very end of his days he spoke of his trip to the Pacific coast as one of the most delightful experiences of his life. He often told me that he hoped on some future occasion to make a much more extended visit to that section of our common country. But it was not to be. The Great Master of the Universe, who rules the destinies of men even as of nations, called him to the sleep everlasting on June

ADDRESS OF MR. KAHN, OF CALIFORNIA

29, 1910. His brilliant career was ended. His work on earth was accomplished. He passed on, full of honors, beloved by his colleagues in the Senate as well as by the Members of this House who had been privileged to know him. He lies at rest among his friends, his neighbors, and his kinsmen, in beautiful Spring Hill Cemetery, near his well-beloved city of Lynchburg. Peace be to his ashes!

ADDRESS OF MR. GLASS, OF VIRGINIA

MR. SPEAKER: Unaccustomed to participation in commemorative exercises, and unapprised until within the last few days of the purpose to set apart this day for memorial services in honor of the late Senator DANIEL, I nevertheless feel that I can not let the occasion pass without joining with my colleagues in paying tribute to one who was my friend and townsman, and with whom for many years I was associated in public affairs.

Born in Lynchburg, Va., September 5, 1842, JOHN WARWICK DANIEL came from a patrician family and of a lineage noted for attainments in the field of law. His father was a distinguished member of the Supreme Court of Appeals of Virginia, and his grandfather was a jurist scarcely less renowned. Of a parentage accustomed to the atmosphere of culture and occupying a position of prominence in a society whose gentleness and refinement have been unsurpassed in any age of the Republic, young DANIEL received the home training as well as the formal education that only a well-born young Virginian of that day could receive. He was educated in the private schools of his native town, and later attended the Lynchburg College and Dr. Gessner Harrison's University School. From his schoolmates who still survive it is learned that JOHN DANIEL, even when a youth, exhibited a natural dignity of character and of outward bearing, although he was loved for his true comradeship, his kindly impulses, and his pleasant sociability. It was at the Harrison school that the call of duty summoned him to the defense of his native State at the outbreak of the

Civil War. Although but 18 years of age, he immediately went to the front, and was soon made a second lieutenant. It is not my purpose here to-day to recount JOHN DANIEL's long, faithful, and brave service in the war between the States.

Only a little more than a year has passed since his maimed figure was familiar to most of us who are gathered here to-day, and it bore mute witness to his courage on the field of battle, for it was during the fierce days in the Wilderness that DANIEL, then a major, while leading a charge of the Fifty-eighth Virginia Infantry, a part of Pegram's gallant division, received the shot that made him a cripple for life. That was in 1864. Previous to that he had been frequently promoted for gallantry and for valuable services, acting during a large part of the war as the chief of staff to Gen. Jubal A. Early, and being three times wounded on the open field. It was Gen. John B. Gordon, who afterwards referred to him as "the brave and brilliant DANIEL," and his courage and acuteness caused him to be selected for military duties of a responsible and difficult nature. The war ended while he was recovering from what was feared would be his deathbed; only his splendid constitution and his unconquerable will caused him to survive his dangerous wound, and a guiding Providence gave him a life to live in eminent service of his State and his united country.

The political career of Maj. DANIEL—for so we have always called him in his home city—began almost immediately after the days of reconstruction. When the war was over he attended the law school of the University of Virginia, and there won prominence as a legal student and as a public speaker. The times in Virginia were politically chaotic; there was danger from political parasites who had come in to feast upon the wreck of a Commonwealth, and there was menace from the feverish radi-

calism within. Men of stern wills, with an unconquered love for Virginia, an abundant faith, and an unimpeachable integrity were needed in those days. There were many who, discouraged by the gloomy outlook, had left for newer States, there to begin life over; but it is characteristic of the man that DANIEL stayed.

To attempt to give, within the compass of these remarks, even a brief account of the part he played in the rebuilding of Virginia and placing her upon a firmer foundation is, of course, impossible. I may be permitted to recall what all Virginians and students of Virginia history know, that the name of DANIEL was linked with the leaders for conservative reform and for honorable disposition of the burdens of the State. He at once became a commanding figure among the men of his type and belief, and later was the central figure. Chosen in 1875 to represent his legislative district in the State senate, for seven years he there fought the battle for political honor and righteousness. During that time he twice was frustrated in his ambition to enter Congress; in 1877 he barely missed being nominated for governor of Virginia, and in 1881 he was selected to lead a brilliant, though unsuccessful, fight against the so-called Readjuster Party of that day.

In 1884 he was elected to the House of Representatives of the Forty-ninth Congress. From that day until the day he died Maj. DANIEL was a prominent figure in the national councils. Upon the death of Senator William Mahone, one year after, DANIEL became United States Senator from Virginia, and continued to serve his State and Nation in that capacity for 23 years. His part in the guiding of the Nation, both as an individual and as a Member of the Upper House of Congress, is too well known to demand repetition here. He was independent in opinion and fearless in action, and while his views

could not always meet the unanimous approbation of his constituents, he was, nevertheless, reelected to the Senate four times without opposition. He was seven times a delegate at large from Virginia to the national conventions of his party, and gained recognition as a potent figure in framing the policies of the great political organization.

But to his neighbors and to the thousands that for a generation felt that no honor could be given him undeservedly Senator DANIEL was more than a successful figure in the uncertain battle ground of political strife. Regarded as the representative "Virginian of Virginians" for more than two decades, looked up to as the natural leader of important social and political movements within his State, he presented a figure whose unique presence and persistence need other explanations than those ordinarily assigned in seeking the causes of what is commonly termed success before the public. Senator DANIEL, in common with many of his contemporaries, was a man of unusual ability. He possessed a mind naturally molded and carefully trained in legal methods of thought and yet broadened into a capacity for wide comprehension as well as deepened by painstaking study of a multitude of diverse questions and subjects. He was more than ordinarily eloquent; he had the power of inspiring speech and the force of overwhelming denunciation or stinging sarcasm no less than he possessed the gift of persuasive words and tones. He was animated by real enthusiasm and drew men by the impelling force of his personal magnetism. He possessed a courage and a fire which won for him the sobriquet of "The Lame Lion of Lynchburg."

He occupied a position whose authority increased with his tenure. Experience taught him as it does all men of discernment. But these, Mr. Speaker, are things common

to a multitude. Men possessing even such qualities have failed in maintaining their success because of some inherent weakness. The possession of ability and of courage accounts no more for the unique position of JOHN DANIEL in the esteem of his constituents than it explains the fact that his faults and errors of judgment did not diminish the greatness of his own career as similar errors had impaired the fortunes of others. I think we who knew the man will agree that there entered into the composition of his character qualities that far outweighed mistakes and magnified his abilities.

From the viewpoint of one who knew him intimately and loved to do him honor, I may define as one of the distinguishing characteristics of Maj. DANIEL his thoroughgoing democracy. His democracy of action and of belief was not the false democracy of the demagogue. Of patrician blood, reared in an aristocratic home, he was nevertheless the companion of the poor and uncultured as well as of the rich and the refined. Dignified of manner and of mien, he possessed a natural poise, not a practiced or an assumed pose. He loved to converse with the untutored man of the field or of the shop as well as with the savant at the gathering places. The Confederate veteran who had never worn a star or bar or chevron found him as good a comrade as did his own common messmate on the camping grounds of years before. Inheriting the social distinctions of antebellum society in Virginia, these distinctions did not confine his outlook in narrow conceptions of caste. His democracy was as well known as his dignity. It was the natural outgrowth of a deep-rooted belief which was seen not only in his personal conduct, but also in his political tenets, and which his culture and social inheritances made rare. Another distinguishing mark of his long career was the unquestioned integrity of the man. To few public men is it per-

mitted that their absolute good faith shall not be doubted in the heat of political campaigns. The honesty of Senator DANIEL was his chief asset, if I may so speak of such a quality. His long public life, extending, as it did, over many political periods within his State and in the Nation, afforded opportunities for enemies to assail him at every point. Times changed and policies changed in the two score years of his public service, and yet through all of these vicissitudes he stood as a type of the honest man in politics and private life.

To his genuine democracy of belief and of action and to his "Spartan integrity" should be added a third distinguishing characteristic. This was his unselfish conception of service. It is by no means a remarkable thing in these days for a man of ability, who is long in the employ of the people, to become rich. It is almost a sign of the age that a man who has ability shall sell it and thereby become more or less wealthy in material goods, or that a man who has the opportunity to profit better than the other man in the market places shall gain by that opportunity. It has almost become an evidence of incapacity in the estimation of many when a man does not devote his chief efforts to the assembling of worldly possessions and does not choose as the directions of his public service the paths to the greatest monetary profits. In my opinion, the life of Senator DANIEL is one of the most pertinent comments possible on the conceptions of the times. A brilliant lawyer, he chose to consider his constituents his chief clients; widely learned in legal subjects and the author of two textbooks in law that are recognized as authorities, he did not further exploit a field that was justly open to him lest it might interfere with the work which he had been chosen to do by those who trusted him; coming in contact with hundreds of opportunities whereby the very use of his name would mean

handsome remuneration, he preferred that his name should be linked with the service that he rendered the people. Burdened as he was by the debts that he assumed, he chose rather to live on small means and give the entire force of his unusual energies and abilities in a life that was supremely unselfish—a life of real service unmingled with thought of private financial gain and unsullied by ambition for wealth alone.

With these elements of genuine democracy in belief and in practice, of unswerving personal integrity, and of unselfish devotion to his ideal of public service, which constituted traits so predominant in his character, added to his splendid abilities, inherited and achieved, the most remarkable fact of Senator DANIEL's political position and career ceases to be a thing to be marveled at and becomes an object lesson. I refer to the fact that his persistent and wonderful popularity among his constituents was not in any degree or way based upon or aided by political organization. It seems almost a curious thing, in these days of literary bureaus, political agencies, secret understandings, exchanging of favors, and the hundred and one theatrical accessories thought to be necessary to the obtaining of applause and the reaping of benefits upon the political stage, that any man, however capable and however honest and unselfish, could not only play an important part before the seemingly fickle public for a lifetime, but could be the recipient of continued honor and reverence and affection from two generations of a people. And yet such was the part that Senator DANIEL played without studied effort. What honors he received were awarded willingly. What trusts were given him to hold were bestowed because of an unfailing and unviolated faith in the man. What services were assigned him to perform were so designated because his devotion to service was undoubted. He needed no political organiza-

tion with which to bolster up the foundations of his popularity. He gave no offices to induce adherence. He scorned to temporize with political enemies in order to attain personal ambitions. There was no trading of party principles upon grounds of "expediency" when expediency meant private gain. None of the methods of the ordinary self-seeker was the secret with which he led his charmed life upon so many political battle fields. He stood alone in the invulnerable armor of his own honesty; he fought with the resistless weapons of a deep sympathy and an intelligent statesmanship; he conquered in the genuine affection of his countrymen.

I realize, Mr. Speaker, that I have succeeded in paying but a poor tribute to the memory of one so close to the hearts of his colleagues and of his fellow Virginians and his neighbors. Even to those who have been wont to participate in his daily life, to those who knew his faults and recognized his abilities and felt the influence of his character and example, a true estimate, or even an adequate portrayal of the man as he was, is difficult, if, indeed, it is possible. I do not pretend to have accomplished either. I regard it more important, more in keeping with the passion of his own life, that the self-sacrificing honesty and service of JOHN W. DANIEL shall remain in the minds of his fellow servants as an inspiring example and in the hearts of his fellow citizens as a precious heritage. No eloquence of tongue, no multitude of pleasant-sounding words, no heaping up of tributes can add to its beauty; no criticism of his errors or caviling at his faults can detract from its worth.

And so the personality of the man, with its differentiating characteristics, remains, though the eloquent voice is hushed and the sympathetic heart is still. JOHN W. DANIEL stands out as a true and unusual type of the great men who have become a part of the history of this Nation.

MEMORIAL ADDRESSES: SENATOR DANIEL

His was the part of being not only honored and trusted, but also loved; his was the dignity that naturally clothes a lofty character; his was the courtliness that is the unassumed mark of a real gentleman; his was the democracy of belief and action that arises from the unpretended humility of soul; his was the deep sympathy that comes with a mind that understands and a heart that feels; and his was the unbetrayed trust, held sacred in a life sternly conforming to an unchanged ideal and kept with a passionate realization of its worth as that most precious thing, the faith of one man in the honor of another.

ADDRESS OF MR. LAMB, OF VIRGINIA

MR. SPEAKER: Once more, and for the sixth time in twice as many years, the Virginia delegation in Congress is called upon to pay tribute to the character and public services of a deceased colleague.

The death of one-half of our number in 12 years suggests the thought that "in the midst of life we are in death," and brings the solemn reminder that the young as well as the old may be called at any hour, and that we would do well to make the necessary preparation for our departure.

Since we so frequently contemplate death and know that we shall before long explore the "uncharted seas" ourselves, we may well view it as a state less mysterious and even more natural than life.

The brave man learns, as the soldier does, to put the fear of death behind him; and if he thinks of it at all, it will be at such times when the scythe has cut down some loved one or some honored friend and colleague, as is the case with us this hour.

In the death of JOHN W. DANIEL Virginia lost a matchless orator, soldier, and statesman. In the councils of the State and at the firesides of her citizens of every class and political faith there was sincere grief when DANIEL died.

There was among us a sentiment for him that grew with each succeeding year and spread from fireside to fireside, until the home that loved him not nor grieved for him was hard to find in Virginia. Nor was his death a loss to his State alone. Long since he had proved his worth and won his reputation in a broader field. He had demon-

strated by ability and service his right to rank and be remembered among the great statesmen, orators, authors, and lawyers of his country.

JOHN WARWICK DANIEL was the only son of Judge William Daniel, jr., and Sarah Ann Warwick, his wife. He was born in Lynchburg, Va., on September 5, 1842, and died in Lynchburg on June 29, 1910.

His early education was in the private schools of his native city and at the university school of Prof. Gessner Harrison in Albemarle County, Va. He was at this school in 1861 when the Civil War commenced. He at once enlisted as a private in a Lynchburg cavalry troop, serving only a few weeks before he was assigned to duty as drillmaster and lieutenant in Company A, Eleventh Virginia Infantry, forming later a part of the famous "Stonewall Brigade."

Later he was made adjutant of his regiment and then chief of staff of Lieut. Gen. Jubal A. Early, with the rank of major.

His gallant and brilliant record as a Confederate soldier closed at the Battle of the Wilderness, May 6, 1864, where he was wounded and crippled for life while rallying and leading his brigade.

The close of the war found DANIEL poor and maimed for life, but undaunted and undiscouraged. He entered the law class of the University of Virginia in the fall of 1865 and prepared himself for the profession which he so adorned as lawyer and author.

He commenced the practice of law in Lynchburg with his father, and early won confidence and success. Notwithstanding his ardent and exacting public duties, he continued to practice his profession so long as he lived, conducting with marked ability in our highest courts, both State and Federal, many cases involving questions of greatest importance and intricacy, yet finding time

from a life overcrowded with labor to prepare and publish *Daniel on Negotiable Instruments* and *Daniel on Attachments*, valued textbooks, universally used in our schools and courts.

In 1869 his political career was launched, and it is as statesman and Representative that DANIEL rendered his greatest service and won his greatest fame.

He was elected to the Virginia House of Delegates in 1869 and served until 1872. In 1875 he was sent to the Virginia Senate and served until 1881.

In the Virginia House and Senate DANIEL was recognized as an able and fearless leader and statesman, and there laid the foundation for his future political career deep and strong in the confidence and affection of the people of his State.

In 1876 DANIEL was the Democratic elector at large for Virginia in the presidential election. He was delegate at large for his State in the national Democratic conventions of 1880, 1888, 1892, 1896, 1900, 1904, and 1908, and temporary chairman of the convention of 1896 and chairman of the resolution (platform) committees of 1900 and 1904.

He was Democratic nominee for governor of Virginia in 1881, but was defeated by William E. Cameron, the readjuster candidate. In 1884 he was elected to the House of Representatives of the Forty-ninth Congress. In 1885 he was elected to the United States Senate to succeed Gen. William Mahone for the term beginning March 4, 1887, and reelected as the unanimous choice of his party for this high position in 1891, 1897, 1904, and 1910.

In 1901 he was elected as a delegate to the Constitutional Convention of Virginia, and rendered his State valuable service in framing her new constitution.

He was prominently mentioned by his party for the presidency, and in 1896 and 1904 it is believed that the

nomination for Vice President would have been his had he not discouraged the idea.

DANIEL combined those qualities of sterling character, rare fidelity, and faithfulness in the discharge of every duty which justly entitled him to live in the hearts and memories of his countrymen.

His sincerity and uncompromising integrity were never questioned. To devoted patriotism he added sturdy independence, disdaining to calculate consequences. Sustained by conscious rectitude and purity of motive he feared no man, and boldly and openly followed his convictions, seeking to mold and lead public thought, rather than wait to follow it in inglorious safety and popularity.

A worshiper of republican institutions and an ardent student of its principles, he labored incessantly for means and measures to preserve and perpetuate them. Though an active and conspicuous leader in party strife and excitement, all concur in ascribing to him none but the most patriotic, conscientious, and disinterested motives.

He was singularly charming in manner, amiable, magnetic, and fascinating in public and in private life, and quickly and firmly bound to him for all time in lasting friendship and affection those with whom he came in contact.

DANIEL's brilliant record as a Confederate soldier, his classic features, his silver tones, and gracious gift of oratory would not alone account for his endearment to his State and people. To these were added the highest ideals, warped by no consideration of selfish interest; truth unquestioned; honor untarnished; courage incomparable; and a civic conscience which he followed unwaveringly. These with his integrity, energy, oratory, and genius are the qualities that for 50 years endeared JOHN DANIEL to his State and his people. He was, indeed, an example of civic virtue as rare as beautiful.

It was well said of him in the Charlotte (N. C.) Observer—

As legislator, Representative, and Senator his service has been conspicuous and brilliant. Senator DANIEL's fame will rest primarily upon his oratorical gifts. With a culture based upon the widest reading, and a scarcely less wide knowledge of men and affairs, his eloquence was at once simply and irresistibly appealing. No one who ever sat spellbound under the sway of that magnificent voice, rolling forth one noble period after another, is likely to lose the impression received. The topic which elicited his happiest efforts was the "Lost Cause," to which his devotion was most sincere and of which his crutch served as an ever-present reminder. More than one of his memorial addresses have long since taken rank as American classics. For the reason that Senator DANIEL's voice was so often and so effectively raised in honor of the heroes of the Confederacy, not Virginia alone, but every Commonwealth in Dixie, owes him a debt of gratitude, and throughout the bounds of each his memory will long be fragrant.

And from the Winchester (Va.) Star comes this tribute—

The exact position held by Senator DANIEL in Virginia was unique. The exalted and, indeed, the preeminent place he held in the hearts of Virginians was due to the fact that in him all those qualities which appeal to a chivalrous people were personified. His position and influence is a tribute to the tremendous power of sentiment and the proneness of a generous people to an idealism embodied in the person of a popular hero. His life, his physical presence, his winged words, lent him a glamor which caught and permanently held the imagination of Virginians. His wounded leg, his classic face and beautiful eyes, his voice musical as a flute and eloquent beyond the experience of men, the stainlessness of his life, the gallant front he held against misfortunes, gave him a place which no man in the future can hope to fill.

As was very natural, the thoughts of Senator DANIEL turned much to the past. The mighty struggle in which he took so brave a part left an indelible impress upon his memory. The eye of

his mind saw through the mist of years the great squadrons set in the field, the ear of his mind heard the thunder of artillery, and in his heart abided the memory of his comrades, living and dead.

The soldier sleeps; the incorruptible statesman has become a memory and example; the good and loving man, whose shoulders were burdened with many honors, has gone to his rest. Virginia mourns, yet in her sorrow there is the proud consciousness that he who was the best loved of all her sons has fought a good fight, and that his life and qualities justified to the full her pride and her affection.

Richly endowed as DANIEL was, and showered with honors and praise, his modesty and freedom from conceit were remarkable. His manners were simple, courtly, charming, giving and commanding deference and respect of mighty and humble alike. Sincere, frank, independent with all; overbearing or flattering to none, no matter what his rank in life might be. The rare charm of putting his listener at ease was his. Whether as host or guest, with rich or poor, mighty or lowly, his manners marked the high-bred, modest gentleman, in whose society it was delightful to be.

One of the crowning virtues in Maj. DANIEL's character was his loyalty to his friends and his confidence and trust in the people. In his masterful speech on the force bill he emphasized this to a degree. That speech might well have been read and fully digested when two important questions were being discussed in this House a few days ago.

The people of the South, and particularly of Virginia, were greatly impressed and deeply grateful to Senator DANIEL for the noble stand he then took and the ability with which he argued that question, involving, as it did, their welfare and happiness.

I never saw his faith in his people in the least shaken, save on one occasion.

At a Virginia convention I missed him from his usual prominent position on the platform. Fearing he was sick, I visited his room and found him depressed. After talking a short time he turned to me that kindly, inquiring expression of his noble countenance that no one will ever forget who enjoyed his confidence and said, "These people expect to defeat me." I replied, "Never; we have 50,000 soldiers left in Virginia. They and 100,000 sons, who have sprung from their loins, love and admire you. You are safe in their hands."

A little son of a Virginia father was about to be punished for some trivial offense. The little fellow looked up pitifully and said, "Father, trust me; I will do so no more." A faithful Confederate officer, who commanded one of the best companies I knew in the army, was asked by the colonel of his regiment how he kept so many men for duty and why they were always so cheerful and ready for the fight. He made this simple reply: "I trust them, and they love me."

The people of Virginia loved JOHN W. DANIEL, and he trusted them. The whole story of his success is told in this sentence.

His death left a vacancy difficult to fill. Other Virginians great and good will occupy the position that he adorned for 30 years. They will measure up to his standard along many lines, no doubt; but the school from which came his equipment, with its ideals, its sacrifices, and tragedies, is closed.

Take him for all in all,
I shall not look upon his like again.

ADDRESS OF MR. HOLLAND, OF VIRGINIA

MR. SPEAKER: I have listened with very great interest to the eloquent addresses of my colleagues on the life and character of the late Senator DANIEL, one of the foremost Virginians of his time. They have spoken of him as a soldier with an enviable record, as a lawyer of conspicuous ability, as an author of great distinction, as an orator of almost matchless grace and brilliancy, as a politician of stainless honor, as a statesman of incorruptible virtue, and as a patriot loyal and devoted to the interests of his State and of his country, and have drawn beautiful pictures of his achievements. It would be exceedingly difficult, therefore, for one who did not know him intimately to add anything to what has already been said of him, and it is not my purpose to attempt it.

But, Mr. Speaker, I do desire to read, and thereby help to perpetuate, a most fitting tribute in his memory which appeared in the *Virginian-Pilot*, a newspaper published in Norfolk, Va., on the morning after his death. This tribute is from the pen of ex-Gov. William E. Cameron, who was his opponent for governor of Virginia, and defeated him, knew him long and intimately, and is, perhaps, as well fitted as any man in the State to make a true estimate of his life and of his character:

JOHN DANIEL

No public man of his own day and generation has so attracted and held the trusting affection of the Virginia people as JOHN WARWICK DANIEL. Throughout an active career of nearly half a century he has stood conspicuously forward as the exponent of the best sentiment of the Commonwealth, voicing always a spirit

of patriotism too deeply founded to be shaken by considerations of selfish interest, and occupying a moral pedestal so high that those who felt constrained at times to take issue with his opinions on political questions were always ready to pay tribute to his sincerity of conviction and purity of motive. His brilliant record as a soldier, his commanding figure and classic face, his mellowness of tongue and grace of gesture, and a gift of oratory which lacked no essential quality of natural grace or cultured finish—all these bespoke for him initial popularity; but neither one nor all of these pleasing attributes would have sufficed to establish and protract his primacy in the public heart through the trying political vicissitudes of so many eventful years, had he been wanting in those elements of character that owe nothing to chance and yield nothing to change—courage unfaltering, truth unquestioning, honor beyond taint or temptation, and a civic conscience as sensitive as that which guided and guarded the conduct of the private gentleman. It was his fortune more than once to run counter to the candidates and policies favored by a majority of his constituents. A lesser man, or one less firmly anchored in the confidence of his fellows, might have abstained from open difference with friends and colleagues; or, having pleaded his views in vain, might have suffered loss of prestige and of following as a consequence. Not so with JOHN DANIEL. He occupied a plane above that of the mere officeholder and politician, and his next reelection to the Senate was marked by the same enthusiastic unanimity which had attended the previous occasion. His people and his party had faith in him. He was not an organizer or a manager of men. What is known as the “machine” side of politics did not appeal to him. But the lack of that which made the strength of other leaders did not constitute a weakness in him. More was expected of him in certain ways than of others similarly placed, and less in other ways. Perhaps that this was true illustrates most perfectly the pedestal on which the esteem and affection of Virginians had elevated JOHN DANIEL. His death leaves a vacancy never to be exactly filled. Other Virginians, some great and some good, will inherit the toga to which he lent dignity for nearly three decades, but the school from which his equipment and his standards were derived is closed, and—

“Take him for all in all, we ne’er shall look upon his like again.”

ADDRESS OF MR. SLEMP, OF VIRGINIA

MR. SPEAKER: I desire to avail myself of the privilege of placing in the Record a few remarks on the life of Senator JOHN W. DANIEL, of Virginia.

I am glad, Mr. Speaker, to add my humble words of tribute to the life of the distinguished Senator of our State in whose memory these services are held to-day.

I knew Senator DANIEL well, if not intimately, and his death was to me a personal loss as well as a source of grief to an entire Commonwealth. For a period of over 30 years he had been the most conspicuous figure in the life and politics of our State, though in later years his great powers belonged rather to the Nation than to the State, and I can say that no one occupied a warmer place in the hearts of the Virginia people than did this great orator and statesman.

His death is not only to me a personal loss, but it is a State loss as well, since he left no one to take his place. He was the last, and certainly the best, of that type of statesman and orator that made Virginia famous in the early days of the Republic. The spirit of the early fathers lived and breathed anew in him, and all Virginia felt that in his courtliness of manner, his knightly bearing, and fervid eloquence were reproduced the manners and the life of those who contributed most to the establishment of our national life. It was for this in part that Virginia loved him, and the more reason why Virginians, proud of their illustrious traditions, mourned his death. His legal learning, his genteel manners, his power of

speech, and his love of country would have made him a fit compatriot and coworker with Jefferson, with Madison, with Monroe, and with others of that period who have written their names "where time should not efface them and where all men should behold them."

I was drawn to him by his indescribable charm of manner and the goodness of heart and soul that radiated from him in every action he took. I believe all his people felt this way about him. They saw in him a representative of their glorious past, of their own imperishable history, and they loved him, they followed him, and honored him as they have done no other in recent years.

Richly endowed with personal charms, of magnetic, even majestic, presence, classic features, distinguished bearing, he had in his very appearance the power to please. Gifted far beyond the ordinary, both physically and mentally, his restless nature forced him into every conflict, whether of war or peace, in which either his State or his fellow citizens participated.

From the time he shouldered a musket in the defense of his State to the day he breathed his last, a recipient of the highest honor a grateful State could bestow on him, he was a part of every movement in which Virginia was interested.

His life was as varied as were his accomplishments. His versatile mind turned with rapidity from problems of law and jurisprudence to battles in the political field for party supremacy, and thence to a consideration of the great questions affecting the Nation.

His personal career was mainly triumphant. He fought with distinction, was seriously wounded on the field of battle, and his body ever afterwards bore mute testimony of the sacrifice he made for the sake of the lost cause.

Believing with all his heart and soul and mind in the principles of Jeffersonian democracy, he was the unques-

tioned leader of his party in his State for over a generation. His successes were at times tempered by defeats, but these did not embitter him nor dissuade him from his course. They seemed to inspire him to greater effort, until at last they were crowned with the full measure of success.

As an orator he will be remembered so long as sentiment is a moving cause to human action and the human heart responds to the appeals of pure eloquence. His style was that of a Cicero, copious and grateful, rather than of a Demosthenes, condensed and powerful. In incomparable beauty of language and purity of diction he interpreted the sentiments of his people. He drew from the history of all ages and from every nation and from the lives of great men of every tongue and clime the facts, the examples, the contrasts, the lessons, and the inspiration as from an inexhaustible mental reservoir with which to adorn a subject or point a moral.

Just before Maj. DANIEL entered upon his congressional career and before he became a national figure he represented Virginia as one of the orators on the occasion of the dedication of the Washington Monument. I have been told that as one sentence followed close upon another in this great oration, DANIEL seemed to grow in stature, until he loomed high above things terrestrial, and drew down, from the vaults of the celestial, language comprehensive of his great theme. In one of his eloquent paragraphs he said of the Father of his Country:

Brilliant I will not call him, if the brightness of the rippling river exceed the solemn glory of Old Ocean. Brilliant I will not call him, if darkness must be visible in order to display the light; for he had none of that rocket-like brilliance which flames in instant coruscation across the black brow of night, and then is not. But if a steady, unlickering flame, slow rising to its lofty sphere, high hung in the heavens of contemplation, dispensing

far and wide its rays, revealing all things on which it shines in the proportions and large relations, making right, duty, and destiny so plain that in the vision we are scarce conscious of the light—if this be brilliancy—then the genius of Washington was as full orb'd and luminous as the god of day in his zenith.

And his peroration! It breathed the very soul of patriotism and rose to the highest pinnacle of true eloquence. I will only quote a part of it:

Long live the United States of America, filled with the free, magnanimous spirit, crowned by the wisdom, blessed by the moderation, hovered over by the guardian angel of Washington's example; may they ever be worthy in all things to be defended by the blood of the brave, who know the rights of man and shrink not from their assertion; may they each be a column, and altogether, under the Constitution, a perpetual temple of peace, unshadowed by a Cæsar's palace, at whose altar may freely commune all who seek the union of liberty and brotherhood.

Thenceforth DANIEL took his rightful place, not alone as Virginia's greatest orator, but as belonging to the whole Nation.

He was not only a gifted orator, but a profound lawyer, a leader of the bar, and an author of great distinction. The whole realm of law was explored by him, and in this vast theater his abilities had full play. Whether as advocate or defender in the common-law causes or as expounder or interpreter of the Federal Constitution, he was a distinguished authority. Practitioners at every bar, as well as students of the common law, in the years to come know and will know JOHN WARWICK DANIEL for the legacies he left to the profession when he contributed to the bibliography of law the volumes entitled "Daniel on Negotiable Instruments" and "Daniel on Attachments." And the pages of congressional history will more than once be consulted, and interpretations by DANIEL of constitutional questions be quoted as furnishing high authority.

As a statesman it was given to few men as it was to DANIEL the influence and power to exercise the mastery over and to control the destinies of the people of a great Commonwealth as he exercised and controlled affairs in the State of Virginia. The people of that State were his willing followers. They loved and trusted him. They saw in him the reincarnation of illustrious sons who had made Virginia famous in the Nation's history. No honor within their gift was too great to bestow upon him. They chose him to represent them in high and exalted places—in both houses of the legislature, in constitutional conventions, in the National House, and in the United States Senate, in Democratic State and National conventions, and but for political exigencies and conditions would probably have been nominated by his party for Chief Executive of the Nation.

The constitution of Virginia, many of its laws, much of the common-law practice of its courts, and the government of its municipalities reflect the judgment, the learning, and the wisdom of JOHN W. DANIEL. Under his leadership, by his wise counsel and advice, his party in Virginia stood for the last quarter of a century true to the traditions and tenets of democracy as interpreted by national platforms, in the construction of whose planks DANIEL was a potential factor. In the nature of things he left the impress of his magnetic personality and his rare genius upon the warp and woof of Virginia's social, political, and industrial life. That this can not also be said of him in its fullness as a national figure is due alone to the vicissitudes of the Democratic Party and to the limitations of the opportunities offered him in the wider field of national politics and not to the lack of anything in him that would have made for success if political conditions had been favorable for the crystallization of party principles into public policy. Yet, notwithstanding his

political environment, hostile and uncongenial as it was throughout the greater part of his service in Congress, DANIEL wielded a tremendous influence in the shaping of legislation during two decades of service in the Senate.

He was a State rights Democrat and for a strict construction of the Constitution, not in the narrow, circumscribed sense that the terms might imply, but broadly, reasonably, in the light of that deep study to which he had given the subject. The line of demarcation between the powers of the several States and the powers of the National Government was plain to him, and he defined and elucidated those powers with a distinctness and clearness of diction that carried conviction. He was as zealous in preserving the one as the other, and in this showed a degree of statesmanship that lifted him far above the plane of partisanship and provincialism and stamped him as a safe, sound, and wise publicist, who would insist upon the sovereignty of the Nation as well as of the States. This was best exemplified in the great Chicago strike, when President Cleveland, without response to an invitation from the governor of the State of Illinois, sent troops to quell the riots so that the United States mails could pass.

Maj. DANIEL sustained the action of the President, and in support of a resolution indorsing his action, said, in part, as follows:

Mr. President, I had hoped that such a resolution as this in a time of public peril like that which now confronts us would pass the Senate without objection, without delay, without debate.

There are some things which go without saying, and it should go without saying that this is not a matter on which parties may fairly divide. He who brings in the name of party in a partisan sense, whether it be Republican, Democratic, or Populist, forgets due recognition of his duty as a patriot.

In this resolution I have simply summarized the provisions of the Constitution which bear directly on the existing situation,

and which point the pathway of duty to the President; and I have given expression to that sense of approbation of his course which pervades all classes of thinking and patriotic citizens.

I am a State rights Democrat, who would not like to see the muniments of local self-government overridden. But I am also a national Democrat, who would not like to see the muniments of national authority and national safety destroyed.

Anarchy is no remedy for anything. It intensifies every evil that exists. It impedes every remedial process. It should be stamped out wherever it shows itself.

The President is Commander in Chief of the Army and Navy. He has the plain right, and it is his plain duty, to employ them whenever and wherever the Constitution and laws of the Federal Government are forcibly resisted by combinations of men.

The establishment of post offices and post roads and the transportation of the mails through and by them is a Federal matter. Commerce among the States—interstate commerce, as distinguished from local intrastate commerce—is a Federal matter.

The due process of law in the Federal courts is a Federal matter. And in all three of these matters the President, having imposed upon him the constitutional obligation to “take care that the laws be faithfully executed,” has the right to use the Army and Navy to that end, and to oppose force by force.

I am the friend, and have often been the champion of those who work for their daily bread. My sympathy is with them. But they can have no lot or share with anarchists, the destroyers of property, the destroyers of life, the breakers of law, the enemies of peace, order, and civilized existence. They have no place in the ranks of incendiaries, and they have no enemy who can be so fatal to their every interest as those who seek to fire them into defiance of law.

The President is right in dealing promptly with lawbreakers. He ought to be upheld and cordially and unstintedly supported here, as he will be throughout this land, by upright and law-abiding citizens.

Sections and parties disappear in the face of society imperiled. We should know only the country, the Constitution, and the laws; and, as the President says, in such an emergency discussion may be well postponed. Peace, order, and obedience to law are the conditions precedent to discussion; with them assured, grievances will be heard, rights protected, and wrongs redressed.

These are words of a statesman and patriot. Rising above the political conditions of that hour, unmindful of the effect upon his own or his party's future, Senator DANIEL was for upholding the arm of the Federal Government for the protection of life and property against a condition of anarchy which supine and indifferent, if not to say sympathetic, State authorities made no serious attempt to suppress.

While he was distinguished in so many lines of useful endeavor, as orator, statesman, soldier, scholar, and lawyer, he was preeminent as a Christian gentleman. His was the atmosphere of benignity, self-effacement, and Christian charity. It has been said by one of his admirers that his Christian nature and his fighting spirit were combined compatibly.

While I did not belong to his political party nor look upon national problems from the same point of view as he did, yet I always regarded him as a valiant and an honorable foe. Our differences were never mentioned, and I entertained for him the warmest personal regard. I have seen him on the hustings proclaiming the principles of his party; I have listened to his matchless eloquence in paying tribute to a departed comrade; I have gone with him in presenting matters to the President of the United States; and I have observed him in the great intellectual forum where he spent so many years of his useful life. Under all the circumstances he was the same calm, dignified man, considerate of the wishes of others, powerful in argument, and persuasive in speech. I feel the better for having known him. I feel the better for what he was and for what he is. What is mortal of him has returned to the dust from which he was formed, but his immortal soul, the life of the man himself—that which moved and lived and had its being here—still lives, and

MEMORIAL ADDRESSES: SENATOR DANIEL

will live through eternity. In this he believed, in this I believe, without which belief we are of all men miserable.

For his character and example and greatness among men; for the hand of cordial friendship and good will held out to me when first I came a stranger to these Halls; for the sake of my revered father, who served in the Confederacy at the same time as Maj. DANIEL; for his gallantry in the vanquished cause of the Southland; and for his lofty, patriotic love for our common and reunited country I honor and revere his memory.

May he rest from his labors, and may his works follow him.

Mr. LAMB assumed the chair as Speaker pro tempore.

ADDRESS OF MR. FLOOD, OF VIRGINIA

MR. SPEAKER: The flower which I would lay upon the tomb of Senator DANIEL is the forget-me-not, the emblem of enduring affection. I knew him well; I esteemed him most highly; I cherished for him a sentiment that was closer than esteem and partook of the attributes of sacred confidence and warm personal affection.

When I entered the Virginia Legislature a youth of 22 years he was a United States Senator from Virginia and was my friend, my counselor, and adviser. From that day to the hour when his enfranchised spirit entered that undiscovered country from whose bourne no traveler returns my relations with him were close. I was his devoted follower and admirer, and I have grieved deeply at the loss which I sustained in his death.

It is, Mr. Speaker, indeed a tribute to our better nature to be grieved when our friends depart from among the living. Our humanity would not be worth the having without this attribute; but as we stand by the graves of our friends we are comforted by the counsel of the Holy Writ, "Not to sorrow for them that are asleep even as those who have no hope."

We all, sir, have our natural ambitions to act well our parts among our fellows; we are emulous to do our State some service, but there are few of us whose best and supremest aspiration is not to leave the world a little darkened at our departure. Senator DANIEL'S death caused widespread sorrow in his State and in this Nation. When the wires flashed the sad tidings a pall of gloom was cast over the entire State of Virginia and that pall

has not yet been lifted. No son of Virginia among all the splendid galaxy of her great men was more universally loved in life or more deeply mourned in death. The people of Virginia loved him because he loved them. They were true to him because he was true to them. They honored him because in so doing they honored themselves.

JOHN WARWICK DANIEL was born in the city of Lynchburg, Va., on September 5, 1842. His home was in that city and on his farm on its outskirts during his entire life. He came of a long line of distinguished people. His grandfather, William Daniel, sr., was a lawyer of great ability and one of the most magnetic and brilliant debaters and orators Virginia has produced. His father, William Daniel, jr., was a distinguished lawyer, and for years was a member of the Supreme Court of Appeals of Virginia. His mother was of the noted Warwick family.

He was educated in the private schools of Lynchburg, at the Lynchburg College, and the Gessner Harrison School, of Nelson, and after the war studied law at the University of Virginia, where he distinguished himself in the classroom and in the debating society. A commencement oration—"The People"—delivered while a student at this institution sent him forth into the world a marked and distinguished man.

While he was at the school of Prof. Harrison the Virginia ordinance of secession was passed. There was no hesitation on the part of the young student of 18 to go with his State in her ultimate decision. As soon as the call of Virginia rang out through the hills and valleys of the old Commonwealth, summoning her sons to her defense, the first among the foremost to rally to her side was this ardent schoolboy. As a soldier he was distinguished for reckless courage, an accurate knowledge of

military affairs, and for untiring and loyal devotion to every duty imposed upon him. He was a private, a second lieutenant, a first lieutenant, and a major and chief of staff of Gen. Jubal A. Early. He was wounded five times, three times at the first battle of Manassas, again at Boonsboro, Md.; and at the Wilderness, on May 6, 1864, while gallantly leading the charge of the Thirty-third Regiment of the old Stonewall Brigade, he received the cruel wound which sent him limping through life and darkened all of his days with suffering and pain. There on the blood-stained field, when full high rolled the crimson tide of battle, he fell, a hero, while his comrades swept on to victory. This wound ended his military service, and but for this fact it is believed that he would have been made a brigadier general soon after the Battle of the Wilderness, and that his military career would have been as brilliant as in subsequent years his career in civil life was.

But, Mr. Speaker, it was not alone in the times which tried men's souls that the patriotism and devotion of Senator DANIEL to Virginia was conspicuous. When the war was over and unprincipled adventurers from without and renegades from within came like a pestilence to blight the small remnants we had left from the sword and torch, he was the leader in the defense of the heritage and institutions of his people.

Amid the anarchy of the reconstruction period, down through all the great struggles for the supremacy of virtue and intelligence in the control of our Government, and for the preservation of society and Anglo-Saxon civilization to 1902, when this danger to these was swept away by a constitution germinating in the hearts of the Virginia people and fashioned by a convention of their own choosing, it was he who stood forth as Virginia's greatest champion.

Though left by the storms of war with body broken and fortunes spent, yet in every struggle between Virginia and her foes, foreign or domestic, he was always on the firing line, and with voice and mind and means aggressively maintained her cause.

For 30 years he was the undisputed leader of the Virginia Democracy, and the most prominent figure in our party conventions; and in addition to this, he was the most beloved citizen of the State. This love for Senator DANIEL was confined to no particular sections, but from where the billowy Atlantic washes our eastern front, to the lofty ridge which receives its name from the bending heavens that bathe its summits in their own soft blue, and beyond to where the Cumberland Range marks our remotest western border; everywhere the citizens of Virginia vied with one another in unbounded admiration and love for the noble gentleman, the maimed Confederate soldier, the brilliant orator, the profound constitutional lawyer, the sound statesman, whom they delighted to acknowledge as their unchallenged leader.

STATESMANSHIP

Senator DANIEL early entered public life. He served in the Virginia House of Delegates from 1869 to 1871, in the State Senate from 1875 to 1881, and in the constitutional convention of Virginia of 1901-2. His service in these bodies was brilliant and was productive of much good legislation. He was the author of the franchise provision of the present constitution of the State, and its adoption was secured by reason of his great influence with the convention. Through his service in these bodies his constructive statesmanship was woven into the very warp and woof of the laws of his native State. He served two years in this body and 23 years at the other end of the Capitol as a Senator from Virginia, and at the time of

his death, though he had not served out his fourth term, he had been reelected for a fifth term. For years he was one of the great members of the Committees on Foreign Relations, Appropriations, and Finance of the Senate, and was potential in the settlement of all matters affecting our relations with foreign countries and the appropriations and revenues of this Government. His ability as a debater and his complete knowledge of public questions made him a leading figure on the floor of the Senate, and gained him a national reputation which gave him in the minds of the public the place he so well deserved, as one of the greatest of American statesmen. He was for years prominent in the Democratic national conventions, and was influential in shaping the policies of that party.

LAWYER

Senator DANIEL was a great and learned lawyer. When 25 years of age he published a work on "Attachments," which is to-day found in every well-equipped law library in Virginia, and later on he published a work on "Negotiable Instruments," in two large volumes, which is constantly quoted by the courts of last resort, both in this country and in England. For years he had a large practice in the State and Federal courts of Virginia and in the Supreme Court of the United States. Whether in the trial or appellate court, he was always ready. He was thorough in the preparation and magnificent in the presentation of a case. Some of his most powerful and impassioned speeches were at the bar when a question of law or evidence was unexpectedly sprung and when there was no opportunity for premeditation or special preparation. In these passages he often reached an altitude of oratory and fierce invective that has not been surpassed since the great Roman orator drove Catiline in consternation from the Senate, or when Pericles brought the display of Athenian eloquence to its highest pinnacle of splendor.

ORATOR

He was one of Virginia's great orators. That beautiful creation of his mind and heart, the oration on Lee delivered at Lexington in 1883, had he no other monument to his genius, would mark him as one of the foremost orators of his generation. It is one of the masterpieces of our language, which will live for ages, yielding an inspiration to higher and nobler aspirations. Scores of triumphs nearly as great as this mark his career. His orations covered a wide field and are read with delight to-day by thousands. His oratory was of the richer style of the old school and always delighted and enchanted his hearers.

It is not easy, Mr. Speaker, to decide in the display of his magnificent powers whether in the forensic field or in the arena of oratory our admiration is the more excited; for by a rare combination he may be said to have united in his splendid personality the encomiums which Cicero divided between the two most distinguished citizens of Rome when he declared the one to be the orator most learned in the law and the other the lawyer most renowned for oratory.

Senator DANIEL was warm in his friendships, and not only had very devoted admirers, but there were many who, in the words employed by Ben Jonson toward the Bard of Avon, "loved him to idolatry," and this was largely because they believed so implicitly in his integrity and his loyalty to his convictions. In a day when the commercial spirit threatened to dominate our land, it was pleasant to turn to this thoughtful figure, this idealist, whose dreams and aspirations were not controlled by the pulsations of the stock market nor measured by the stunted standard of present successes. His voice never delivered an uncertain sound.

Such, Mr. Speaker, in meager outline was the career of Senator DANIEL. It was indeed a high and a fine career of service to mankind, than which there is nothing higher beneath the circuit of the sun. Such aims and ends constitute the only real royalty, for—

Herein stands the office of a king,
His honor, virtue, merit, and chief praise,
That for the public all this weight he bears;
Yet he who reigns within himself and rules
Passions, desires, and fears is more than king.

No questionable act ever marked the fair pages of his private or public life. He stood in the fierce light which beats against the throne, but no flaw was ever found in his armor through which the shafts of envy and slander could enter and wound his fame. He was gentle yet strong, courteous yet brave, ready to extend the soft hand of charity and grasp with comprehensive thought the great questions of government and law. It is of such a man that the greatest of ancient philosophers affirmed—

The man of great soul is one who accounts himself worthy of great things, being worthy.

How far removed from this noble aphorism is the wretched plaint of Solomon:

Surely man at his best estate is vanity.

Mr. Speaker, man at his best estate is thrilled with intimations of immortality. Death to a man like Senator DANIEL is but a shadow cast by his transition to loftier activities—

He is not dead but sleepeth; well we know
The form that now lies mute beneath the sod
Shall rise when time the golden bugles blow
And pour their music through the courts of God.

In his essay upon death Lord Bacon has pictured that of Senator DANIEL: "

He that dies in an earnest pursuit is like one that is wounded in hot blood; who for the time scarce feels the hurt, and therefore a mind fixed and bent upon somewhat that is good doth divert the troubles of death. Death hath this also, that it openeth the gate to good fame and extinguisheth envy.

Mr. Speaker, during the dreadful Sepoy mutiny in India, when the English garrison in Lucknow, with the women and children, was beleaguered by its ferocious and merciless foes and the fate of the Cawnpore seemed staring them in the face, a cry was heard from the little Scotch lassie, Jeannie Brown: "Dinna ye hear the pibroch; dinna ye hear the slogan!" Her eager and alert ear had caught from afar the sound of the bagpipes in the approaching army of Sir Colin Campbell.

And so, while our hearts are attuned to sorrow that a life fraught with so much good should be cut off from among us, our chastened reflections can discern echoes of counsel and encouragement from his life which should animate us all to a renewed and higher consecration to worthy and unselfish devotion to our country and our kind. And whilst among the perplexities of this world we "can not always see the way," we can all become better and stronger from the example of such a life; and with pride and gratitude for such a career, we can cry to our Father and his Father:

Lord, I believe; help Thou mine unbelief,
And grant Thy servant such a life and death.

ADDRESS OF MR. SIMMONS, OF NEW YORK

MR. SPEAKER: Nothing has occurred since my membership of this body which has filled my heart with such profound grief as the death of Senator JOHN W. DANIEL.

I have listened to-day with the keenest interest to the loving words that have been spoken of him by my colleagues on this floor, and I feel that such words have come from hearts that beat in sore affliction over the loss of a life which was not only dear to the people of his native State, but an irreparable loss to all of the people of our Nation.

For many years I was a resident of the great State of Virginia, residing in the sixth congressional district of that Commonwealth. The first vote I ever cast for a candidate for Congress was given to JOHN W. DANIEL. The many years of my residence in his district gave me the opportunity to know him well, and therefore I could not refrain from coming here to-day and joining my colleagues in paying a tribute to his memory.

I have never known a man in public life who was so universally idolized by the people as Senator DANIEL. His sweetness of disposition, purity of life, and nobility of character made him the ideal citizen, statesman, and patriot.

The great State of Virginia has furnished the Nation many illustrious men, whose achievements in public life have covered them with a halo of glory, but the memory of the life and influence of Senator DANIEL will ever record him a position in that Commonwealth as one of the first among the greatest, one of the highest among the best.

In my early life spent in Virginia I learned to idolize him, as did all of the people of that Commonwealth, and my love and affection for him has ever increased as his rise to position and fame.

So great has been the confidence of the people of Virginia in his wisdom and judgment, so profound their admiration for his intellect and statesmanship, so loyal their affection for his stainless character, that he has, for a generation, been the friend and mentor of all.

His death meant a personal loss to each of us. His ability, his devotion to the country, his high character we love to recall. He was beloved by all who knew him, and to those of us who serve in this body his death leaves a place in our ranks which can not be filled.

His ambition was to serve his country according to his highest standard of duty, and he died as he had lived, faithful to the people to the last, leaving a name that will hereafter always be found in the list of the ablest, the most useful, and most honored of its citizens.

By precept and example he contributed to the virtue and morality of every circle he entered; truth, right, and justice were always present with him. But he lives not alone in the loving hearts of friends and families, but in the blessed influence he left behind, which will help to make in his own image the lives of those who come after him. His wisdom, eloquence, and powers of argument were unsurpassed by any man that I have ever known; in fact, his eloquence and earnestness were simply irresistible; and I have never known a public speaker who could more effectively charm and delight an audience than Senator DANIEL. His life has been safely entwined within the affectionate gratitude and loyal remembrance of everyone who knew him.

ADDRESS OF MR. BRANTLEY, OF GEORGIA

MR. SPEAKER: JOHN WARWICK DANIEL, late a Senator from the Commonwealth of Virginia, came into life on September 5, 1842, and passed away in death on June 29, 1910. His days upon earth were a little under the allotted three score years and ten given to man, but in them he lived an extraordinary full life. The deeds he wrought by tongue and pen and sword illumine the pages of our country's history.

Springing from a long line of illustrious ancestry and cradled in the arms of the Old Dominion State, much was to have been expected of him, and much he gave. Great is the handicap of him who in our day and in his day, claiming Virginia for a mother, seeks to climb the hill of fame, for there is no State within the Republic so rich in illustrious names as is Virginia. In these names is written that of which our country is proudest in law, in government, and in patriotism. Such names as Washington, Jefferson, Madison, Marshall, Henry, Lee, Randolph, Tyler, Jackson, and many others that could be mentioned belong to the Nation. Virginia begot them, but the Nation claims them. They are a part of our history. The fact that Senator DANIEL, with the handicap of these names, carved one for himself worthy and proper to take its place beside them is perhaps the most significant event of his great career. It is characteristic of human nature, be it a fault or a virtue, to unduly magnify the achievements of those who have passed beyond life's estate and into the realms of eternity, but none who knew Senator DANIEL and none

who read after him will assent that his just fame can be magnified. His was a wonderful personality in the variety of the great talents given him. There have been great orators, but how many great orators have also been great soldiers and great law writers? There have been great advocates in the courthouse, but how many of them have also written learned treatises on the law?

Senator DANIEL had eloquence, but to eloquence he added learning; to learning he added patriotism; and to patriotism he added courage. He was possessed, too, of a courtliness of manner that added much to the charm of his striking personality. He was soldier, statesman, orator, and lawyer. He was all of these in one and one in all. In each vocation he wrote his name high on the scroll of fame. Entering the Confederate Army at 18 years of age in the ranks of the privates, he was discharged after the Battle of the Wilderness wounded for life, with the rank of major and chief of staff. His courage and daring, his alertness, and his mastery of the science of war, all fore-casted still higher military rank for him could he have remained in the service.

His book, *Daniel on Negotiable Instruments*, is known to every lawyer and every court in our land, while his book on "Attachments" is also widely known. His services as a statesman are to be found in the records of both branches of his State Legislature and in both branches of the National Congress. For 23 years he sat in the Senate, and although he had not completed his fourth term there, he had already been elected to a fifth. His voice was often heard in clear, logical, and eloquent debate. It was as a persuader of men by his marvelous gift of speech that he was most widely known. Whether in the forum of the Senate or the bar, on the hustings, in our national conventions, or on memorial occasions he was ever the one man eloquent "at whose feet all could sit and learn the art of

eloquence." But to me the greatest charm about him was that his superb powers were always directed toward inculcating patriotism and to the preservation of our Government as it was written. He believed in the Declaration of Independence as Jefferson penned it; he loved the glorious country that Washington "saved"; and he trusted to the uttermost the Constitution of which Madison was the "father."

The evil of the day in which we live is that we are so far removed from the formation of our Government that too many have forgotten, if they ever knew, why or how it was formed. The people, as they reach maturity, see a government around and about them, but whence it came or how it is to be maintained too few stop to inquire. The work of the fathers of the Republic was an open book to Senator DANIEL. He knew that when they came to build our Government they had before them the models of all the Governments of all the world, and setting them all aside, planned one the like of which the world had never seen. Senator DANIEL knew the fathers deliberately rejected the plan of a pure democracy, because it had failed in the republics of old, and builded instead a representative government. He knew that they purposely divided the powers of government into three great departments, the legislative, executive, and judicial, and he knew why they did so. He also knew why they divided the government of the State and the Nation, giving to each a power of its own and making each in its proper sphere independent of the other, and thus created a dual government.

Ignorance of our history and ignorance of our Government has suggested the most of the new "isms" of government so prevalent in the discussions in our day. If all knew the history of each part of our Government and understood the wonderful checks and balances in its formation, there would be no clamor to change it in any fun-

damental respect. To convert a representative Government of over 92,000,000 people into a pure democracy would be to substitute for the present Government one of brutal tyranny by a majority over a great minority, resulting in rebellions and revolutions such as have stained the fair name of other lands in all the ages of the world. Our written Constitution, without an independent judiciary to construe it and enforce it, would soon be but so much waste paper. The State government was designed to keep the people in close touch with that government dealing directly with their local affairs, while through their chosen Representatives they would always have a voice in the affairs of the Nation. The power of government was purposely distributed between three great departments, each the equal of the other, so that the one would ever be a check upon the other and arbitrary power be forever unknown.

No patriotic citizen will contend that conditions to-day are ideal and can not be improved upon, nor did Senator DANIEL so contend. His contention was that we should hold fast to that which we know to be good, and instead of seeking a pure Democracy with its initiative, referendum, and recall we should restore to the State government all of its constitutional functions and restrict the National Government within the limitations prescribed for it by the Constitution, and in doing so see to it that the three great departments of Government neither one encroaches the one upon the other and that our judiciary, the last refuge of liberty, is kept forever free and independent.

Senator DANIEL knew but too well that the safety of our Republic rests upon the patriotic intelligence of the people. He learned this from the teachings of Thomas Jefferson, and his every environment in historic Virginia confirmed it. Patriotism is a vital necessity for the preservation of liberty and constitutional government, but patriotism to

be effective must be accompanied by intelligence. These thoughts come naturally and uncontrollably in reviewing the life of Senator DANIEL, for they are thoughts embodied in his life and teachings. He was one of the grand figures in our legislative government. He came to manhood's estate to be at once baptized in fire and blood. His manhood was early tried. His devotion to his mother State and his patriotism were early tested and proved. All the problems of war and of peace came to him for solution, and as they came they found his patriotism and his master mind ready. His environment, his experience, his training, and his heritage all combined to make him the true patriotic statesman that he was. He contributed greatly to his country's glory; he did much to ennoble and enthuse his fellows; and he did his full share in molding and directing public sentiment along patriotic lines. Constitutional government owes something to him for its preservation thus far, and all of us who labored with him and are yet left to serve are the better able to do our humble parts because of the inspiration of his teaching and example. His people honored him greatly, and greatly he honored them. His name and his fame here, at home, and throughout the land must be secure as long as love of liberty and devotion to Republican institutions live in the hearts of the people.

ADDRESS OF MR. SMALL, OF NORTH CAROLINA

MR. SPEAKER: When we gather to pay tribute to the achievements and memory of a man, particularly one whose life was largely devoted to the public service, it is a happy reflection to feel that our admiration and love is universally shared by the people whom he directly served and by those of the whole country so fortunate as to claim personal acquaintance or familiarity with his career. Such a relation do we and others sustain toward the late JOHN W. DANIEL, the distinguished citizen and so long a Senator from the State of Virginia.

Some men command applause for their genius. Some compel admiration for their intellectual acumen, their persistence, and forcefulness; some for the material things they have wrought. Others by their high ideals and fine character exact our respect and consideration. But it is only given to the few to receive as a voluntary tribute the love and affection of a whole people, to possess their entire confidence and trust.

I shall not attempt even in a brief way to recount the achievements of this distinguished Virginian. As a soldier he offered the very flower of his youth to the service of the people of his State, and his life, if need be, was tendered as a willing sacrifice for a cause they both believed to be right. As a lawyer and law writer he brought to the service of this jealous mistress a goodly heritage of mental powers, which he developed by assiduous training until his learning and breadth of knowledge made him a peer among a galaxy of eminent lawyers. As an

orator among a people where eloquence was indigenous and speech was tuned to music, his magnificent presence, his musical voice, his pure English, and his broad culture placed him in rank with the most eminent orators of the Old Dominion.

As a Senator he met the loftiest ideals in that great body and set the pace for distinguished service.

As a statesman and publicist he brought to the public service a trained mind, a store of knowledge, a grounding in the principles of government, and such sane and wholesome ideals of a democracy as to make him wise in counsel, forceful in debate, and a potent factor in shaping necessary and constructive legislation.

All these qualities and achievements have been described in these tributes in such terms and with such eloquence as I may not hope to emulate.

I shall content myself with a brief reference to some of those qualities which marked Senator DANIEL in his relations and intercourse with his kind. No man in this world can get the things worth having, whether it be wealth, station, or fame, without at the same time making himself a large debtor to this same world. The account must be reciprocal. This debt may be paid in various ways. Contributions may be made to those cooperative movements which seek to ameliorate evils or to elevate society. To the individual with whom he comes in contact he may extend the glad hand of succor and encouragement. To all he may make his presence a beacon of light and a sweet benediction. Senator DANIEL, by reason of the eminence which he attained, became a large creditor of humanity, but he realized his obligation. Freely, generously, and insistently he made recompense. Day by day with lavish hand he carried joy and gladness. The years as they passed yielded useful fruitage in the promotion of many agencies for human betterment. By this life he drank

deep at the fountain of joyous contentment. While the people had accorded to him high position and the music of applause had often been sounded in his ears, his sweet spirit was not spoiled and his modesty was unchanged. He knew that it was more blessed to give than to receive and that the highest distinction was exemplified in the spirit of service. There can be no doubt that out of his life he gave more than he received, and when the grim reaper came he left the world his debtor.

I love to recall the personality of the man. While always stately and dignified in manner, yet there was nothing repellent or cold in his demeanor. Beneath the shield which repelled familiarity there was the gentle courtesy, the loving spirit, and the personal consideration which disarmed you in his presence and made you his friend. He was of the type of the Virginia gentleman, and there was no higher, and in truth it can be said no higher encomium can be paid to his memory.

One of the most agreeable retrospections which can come to me is the recollection of my personal association with him. While neither frequent nor prolonged, yet there was never a time when I did not feel free to consult him on matters of serious import or to meet him in social converse. There were doubtless times when his dauntless spirit was repressed or pain racked his body, but he never failed in the smile of recognition or forgot the amenities of a gentleman.

In a recent conversation with another Virginian, also of distinguished ancestry, he gave me an anonymous definition of a gentleman which may be fittingly applied to JOHN WARWICK DANIEL:

A knight whose armor is honor
And whose weapon is courtesy.

ADDRESS OF MR. SAUNDERS, OF VIRGINIA

MR. SPEAKER: The subject of these exercises was born in Lynchburg in September, 1842, and was fairly entitled by heredity to the robustness of intellect and graces of character for which he was distinguished. On both sides of his house he came of distinguished lineage. His paternal grandfather, William Daniel, sr., was a cotemporary of James Madison—serving with him in the Virginia Legislature of 1799. He was conspicuous in the proceedings of two legislatures of which he was a member and was one of the ablest judges of that day, achieving great distinction both as a judge of the circuit court and as a member of the court of criminal appeals, composed of the circuit judges of the entire State.

Senator DANIEL'S father was William Daniel, jr., a scholar, legislator, and judge. At all times Virginians, especially Virginia lawyers, have been subject to the fascination of political life, and the most distinguished practitioners in that State have not found service in the house of delegates or the senate incompatible with the most assiduous and successful pursuit of the law. Hence it is not surprising to find that Judge Daniel, jr., like his father, served several terms in the general assembly before going on the bench. He was first elected to the house of delegates in 1831. His eminent abilities soon rendered him a conspicuous figure in that body. By 1846 Judge Daniel had become one of the foremost men of Virginia, and during that year was elected a judge of the supreme court of his State, a position which he filled with most distinguished ability for a number of years.

Maj. DANIEL's mother was Miss Sarah Anne Warwick, a daughter of John M. Warwick, who was a successful merchant in the city of Lynchburg.

His home was the seat of a gracious and beautiful hospitality which was generously dispensed until the ravages of a cruel war swept away his large fortune. Judge Daniel's wife died young and JOHN W. DANIEL and his sister were, in substance if not in form, adopted by their maternal grandparents, who lavished upon them an affection which was ardently returned. In later years Maj. DANIEL, in speaking of his grandfather, John M. Warwick, paid him a tribute that deserves to be reproduced in this connection:

A nobler man never lived—hospitable, gentle, calm, self-poised—a gentleman in honor, in manners, and in innate refinement. A pure and lofty soul, he seemed to me to be everything that a man could be to be respected and loved. Successful from his youth in his business, with a mercantile "touch of gold," he was rich and generous, without pretension or pride; and when the end of the war prostrated his fortune and he became old and almost blind his easy dignity lost no feature of his serene composure and out of his true heart came no complaint of man or fortune. He accepted the dread issue of Appomattox without a murmur and took the fate of his people with all of the fortitude and manliness and with none of the show of the Roman Senators who saw the barbarians enter Rome.

When the Civil War sounded its tocsin, Maj. DANIEL, then a young man of 18, promptly volunteered his services and as a private entered a cavalry troop then organizing in his native city. At the time he was the beau ideal of a young soldier. Straight as an arrow, handsome as a young god, with flashing eye and graceful carriage, he was indeed good to look upon. He was soon appointed second lieutenant and received his baptism of fire at Manassas. During this fight he was wounded twice, the second injury being a serious one, which incapacitated

him for service for several weeks. In his first battle Maj. (then Lieut.) DANIEL evinced that conspicuous gallantry for which he was distinguished during his entire military career.

Lieut. DANIEL became Maj. DANIEL and a staff officer in March, 1863. His active service covered a period of almost three years. During that time he participated in many great battles, serving mainly under Gen. Jubal A. Early, whom he extravagantly admired and was always ready to defend against any criticisms directed against his military conduct or capacity. This admiration was returned by Gen. Early, who looked upon him almost as a son and after the war followed his political fortunes with unceasing interest and unwavering support. While in the act of rallying a broken regiment at the Battle of the Wilderness, Maj. DANIEL was severely wounded by a Minié bullet, which shattered his thigh.

This wound terminated his military activities and permanently crippled him. For the remainder of his life he bore the sequel of pain occasioned by this injury with uncomplaining fortitude. Later in his career, at a great political gathering in his native State, an enthusiastic admirer referred to him as the "Lame Lion of Lynchburg." This name caught the popular fancy and clung to him from that time forward. It will always be associated with JOHN W. DANIEL by those who knew him in life. The mere sight of that stately figure, with its pathetic limp, ever served to set a Virginia audience aflame and interrupt whatever else was in progress by a storm of vociferous and spontaneous applause.

After the war Maj. DANIEL was without fortune or vocation. Naturally, he turned to that profession in which his father and grandfather had won such distinction and for which he possessed unusual gifts of mind and character. He entered that great school of law then presided over by

John B. Minor and prosecuted his studies with the energy which distinguished all his efforts. Shortly after leaving the university he formed a partnership with his father, which continued until the latter's death, in 1873. In the practice of his profession Maj. DANIEL met with immediate success. Gifted in many directions, studious, eloquent, splendidly ornate in illustrations, yet severely logical in argument, the richness of his reasoning and his compelling power of speech made him a power alike before the courts and juries. He was the author of two books which added greatly to his reputation as a lawyer—Daniel on Attachments and Daniel on Negotiable Instruments.

The first was a compendious handbook chiefly designed for local use and extremely serviceable at the time; the other was on a more ambitious scale, and may be fairly styled a monumental work. The labor of its preparation was prodigious and its reception by the legal world most flattering. It is a recognized authority in the courts of Great Britain, the United States, and Canada, and has run through five editions. Maj. DANIEL early felt the lure of politics. This was inevitable, for his ambitions ran in this direction, but apart from personal inclination, he was almost forced into the political arena by the imperative demand that unsettled political conditions in Virginia made upon the services of all genuine patriots. This was a call that Maj. DANIEL was the last man to ignore, and he volunteered for duty with the same ardor and enthusiasm with which he tendered his services to the cause of the Confederacy. He was first elected to the house of delegates in 1869, and served in that body for three years. Later he was elected to the State senate and reelected in 1878. Maj. DANIEL was twice a candidate for the nomination for Congress in the old Lynchburg district and twice defeated. He was also defeated as a candidate for governor. The feeling in Virginia in 1881 over the local issue

of readjusterism against funderism was intense. The readjusters nominated for governor William E. Cameron, a vigorous, able, and aggressive speaker.

The Democrats turned to Maj. DANIEL. Personally he was unwilling to become a candidate. The issue was doubtful and his private affairs required his unremitting attention. But the call to lead was imperative and obedience to its demand seemed a duty. Maj. DANIEL was not the man to shirk a duty in any form and was as willing to lead a forlorn hope in a political engagement as on the pitched field of murderous battle. The campaign that followed was the most exciting ever conducted in Virginia. At times it seemed as if by the sheer force of his intense and magnetic personality and the witchery of his eloquence Maj. DANIEL would carry his party's flag to victory. But it was not to be. His opponent was elected by a large majority. But this contest fixed Maj. DANIEL's place in the affections of his party, and from that time forward anything that he wanted of the Democrats of Virginia was his for the asking.

In 1884 Maj. DANIEL was elected to the House of Representatives, and before the expiration of his term was elected to the Senate, a position that he held at the time of his death, having just been unanimously reelected for the fourth time. In addition to these honors, Maj. DANIEL was many times a delegate to the national conventions of his party, and the temporary chairman of the convention of 1896. In 1901 he was elected a member of the Virginia constitutional convention, and took a leading part in its deliberations. It is an open secret in that State that if he had allowed his friends to put him forward he would have been made president of the convention.

This brief sketch of Maj. DANIEL's life affords but an inadequate account of its honors and his activities in many directions. He was in constant demand for public

addresses, and his orations on these occasions would alone serve to establish his reputation as a great orator, one of the greatest that this country has produced. The greatest of these orations, the one perhaps that gave him the most instant reputation, was a memorable eulogy delivered in Lexington in 1883, on the occasion of the unveiling of the recumbent statue of Gen. R. E. Lee. The effect of this address was thrilling and instantaneous. Its rich cadences lingered in the ears of his auditors like strains of sweet and solemn music, so that they were loath to leave the scene of their enchantment. Like Adam, on another occasion, they stood still, transfixed with wonder and delight.

The angel ended, and in Adam's ear,
So charming left his voice, that he awhile,
Thought him still speaking, still stood transfixed to hear.

But there are many other addresses that take close rank with this masterpiece, and will be included in the volume of his orations soon to be published. Perhaps there is no man in the United States who has made more speeches of a purely political character than Maj. DANIEL. He was always at the call of his associates when a campaign was in progress, and in any community of Virginia where conditions were considered to be untoward, Maj. DANIEL was put forward to speak for his party. Even after his position had become so assured that there was no occasion for him to "mend his fences," he relaxed in nowise his accustomed participation in the activities of the annually recurring political contests of his State. It was characteristic of this great man that he accepted defeat without bitterness. He brought no railing accusation against his party when he failed to secure the nominations to high office upon which he had set the hope of an honorable ambition.

Maj. DANIEL was not equipped to attain popularity by the arts usually deemed essential. He was not a mixer. He maintained no organization, though an organization man. He was not a supple diplomatist. He never shirked an issue. He was plain, direct, straightforward, and unassuming. He respected himself, and therefore respected others. To trickery in all its forms he was vehemently opposed. His nature was sincere and his heart as far from deceit as heaven from earth. Scorning any form of evasion or double dealing, he was one of those rare natures who—

Would not flatter Neptune for his trident,
Or Jove for his thunder.

The meditations of his heart were never concealed by veiled or subtle forms of speech. He contemned the cynical maxim of Talleyrand that speech was given to men to conceal their thoughts, and rejoiced to express his attitude on all questions requiring expression in terms that were incapable of misapprehension. Like the father of poesy, he could say:

Hateful to me, as are the gates of hell,
Is he, who hiding one thing in his heart,
Utters another.

But his utter frankness, his sincerity, his simplicity of nature, his free but courteous speech, drew men to him and held their imaginations captive in bonds stronger than the most cunning artificer could forge for the physical restraint of their persons.

In Virginia DANIEL was a sentiment. He occupied a unique position in our State. There was no rival near his throne. Secure in his hold upon our people, he was at once loved, admired, and revered. Some men are loved, others are admired, still others are revered, but it is given to few to excite the three emotions on the largest and

most generous scale. He was admired for the splendor of his glowing rhetoric, the variety and sweep of his thought, his copious diction, and his noble and stately eloquence. He was loved because he loved much. He was revered for his lofty conception of public and private duty, the Spartan character of his integrity, and the essential purity of his life.

Maj. DANIEL's capacity for work was marvelous and his industry unremitting. The combination of great natural powers and indefatigable application enabled him to accomplish results that are little short of stupendous when we consider the demands constantly made upon his time by the exacting requirements of a public life that began when he was almost a boy, and the further fact that he was rarely free from gnawing pain, the legacy of honorable wounds. And yet we know that much of the world's best work has been done with pain as a constant companion. This was true in the case of the great preacher Hall, whose life was a long moan of agony. This was true in the case of many others whose waking moments were a ceaseless succession of racking torments. Maj. DANIEL might have said, as a greater genius did say in pathetic reference to himself: "For years I have not had a day's real health. I have wakened sick and gone to bed weary; and I have done my work unflinchingly." That work to-day is a priceless treasure of this generation. Unflinchingly. Ah! That is the word. Unflinchingly. How well it describes Maj. DANIEL's discharge of duty, his performance of all tasks, whether self-imposed or not. In this unflinching attitude toward the day's work is found the secret of his success. The treasures of his learning were freely used in public speech. Drawing on the stores of a broad and generous culture, there was no subject which he touched that he failed to illumine and adorn. He had "the taste, the judgment, the erudition, the feeling for

the beautiful, the appreciation of the noble, and the sense of the profound," which enabled him at all times to quote well and copiously.

He was ambitious, but his ambition was honorable aspiration to "do some valiant deed of which mankind should hear in aftertime." His was the ambition to achieve great things along the path of duty, not the vaulting ambition that overleaps itself. He had a nature of whom friends and foes alike could say that: "If it be a sin to covet honor, he was the most offending soul alive." Maj. DANIEL was intensely democratic and intensely patriotic. His vision was large and clear. He loved the Virginia of the past, the Virginia of history and of tradition, but he did not live in the past. He was a vital part of the throbbing present. At times when absorbed in contemplation he had the look of the mystic, but he was not a dreamer. He was strong, virile, and intense. When he struck, he struck hard. When he allowed his thoughts to range, they ranged widely. He did not hesitate "to lean over the rim" of the present, and—

Dip into the future, far as human eye could see.

View the vision of the world, and all the wonder that would be.

In public service his object was "his country, his whole country, and nothing but his country." Like Coriolanus, he could say:

I do love my country's good with a respect more tender, more holy and profound than mine own life.

In his relation to his constituents Maj. DANIEL was frankness itself. He was too fond of the right to pursue the expedient. While never attacking his party or deriding his adversaries, he never allowed himself to be swept along by the force of a public opinion that ran counter to his judgment. He might defer to that opinion when such deference involved no surrender or abandonment of

principle, but his own attitude was always known—and he never hesitated to avow it, regardless of the possible effect upon his own personal fortunes. He possessed that courage which is the essential of high character; that courage of which it is said—

Courage, the highest gift, that scorns to bend
To mean devices for a sordid end.
Courage, an independent spark from Heaven's bright throne,
By which the soul stands raised, triumphant, high, alone.
Great in itself, not praises of the crowd,
Above all vice, it stoops not to be proud.
Courage, the mighty attribute of powers above,
By which those great in war are great in love.
The spring of all brave acts is seated here,
As falsehoods draw their sordid birth from fear.

His ideals were not reserved for the closet or for abstract contemplation. He conformed the activities of daily life to their requirements.

Slander, whose edge is sharper than the sword, never touched Senator DANIEL. It is often said that envy assails the noblest, and the winds howl around the highest peaks. But there was something in the grave and stately decorum of Maj. DANIEL's life that quenched the fiery darts of malice and stilled the winds of detraction. He was never ashamed to meet the eyes of other men, for in his whole life there was no act of which he needed to feel ashamed. Like the great Pitt, he wrapped himself in the mantle of his integrity. Secure within its ample and spotless folds, he dared his adversaries to do their worst. The white light beat upon him, but revealed no spot. He lived a pure and noble life until the time arrived when—

He gave his honors to the world again,
His blessed heart to heaven—

and the soldier was at rest.

He was not the type of public man whom the Roman satirist had in mind when he penned his famous lines :

Get place, and wealth, if possible, with grace,
If not, by any means, get place, and wealth.

Inevitably the words of the Psalmist recur to us when we recall the life and public career of Maj. DANIEL. He lived an uncorrupt life; he did the thing that was right; he spoke the truth from his heart.

Maj. DANIEL was never ruffled by adversity, but bore prosperity and adversity alike, with moderation. His life was marked by that high seriousness which Aristotle has noted as an invariable accompaniment of preeminence. All of his work was characterized by diligent and careful preparation. He was not a frequent participant in the current debates of the Senate, though well able to maintain himself with dignity and credit. As pointed out by Senator Lodge in his beautiful and discriminating eulogy, "he liked large issues, because they afforded the widest opportunity for speculation as to causes, and for visions of the future." Maj. DANIEL's style of speech was rich at all times and in early life florid. He loved to deal in tropes and figures, and in his vivid utterances were realized "the thoughts that breathe and words that burn." He possessed in abundant measure that exuberant imagination which bodies forth the forms of things unknown, and the poet's pen which "turns them to shapes and gives to airy nothings a local habitation and a name." But as time passed his style became more austere, so that his logic was more observed than the form of words in which it was expressed or the illustrations with which his arguments were adorned. In the ordinary relations of life Maj. DANIEL was sincere, courteous, frank, and dignified. These traits have been noted by all his eulogists. In this connection it is not amiss to cite Senator Lodge again, for

the beauty of his tribute testifies to the depth of the impression made upon the statesman from Massachusetts by the charm of Maj. DANIEL's personality.

"The grave courtesy of his manner, which never wavered, had to me a peculiar charm. I should not for a moment think of hinting even that the manners now generally in vogue are not better, but they are certainly different. Manners like those of Senator DANIEL, I suppose, would be thought to take too much time, both in acquisition and practice, among a generation which can employ its passing hours more usefully. Yet I can not divest myself of the feeling, an inherited superstition, perhaps, that manners such as his—serious, gracious, elaborate, if you please, but full of kindness and thought for others—can never really grow old or pass out of fashion."

Maj. DANIEL was not rich, as men count riches. He died as he had lived, poor in worldly goods, but rich in the approving favor of his cotemporaries, in friendship's smiles and the affectionate regard of his intimates. He bequeathed a stainless life to his children, a noble heritage, one more to be desired than fine gold.

Maj. DANIEL was a devoted husband and an affectionate father. As a statesman he translated into the discharge of public duties those virtues which adorned his family relations. In this ideal private and family life may be found the key to the beauty of his public career. It was long ago pointed out by Æschines, in a memorable oration, that: He who hates his own children, he who is a bad parent, can not be a good leader of the people. He who is insensible to the duties which he owes to those who are nearest and who ought to be dearest to him, will never feel a higher regard for the welfare of those who are strangers to him. He who acts wickedly in private life, can never be expected to show himself noble in his public conduct. He who is base at home, will not acquit himself

with honor when sent to a foreign country in a public capacity; for it is not the man, but the place merely that is changed. It was the genuine quality of Maj. DANIEL's patriotism and his sensitive regard for duty which impressed all who came into relation with him in his public capacities.

Maj. DANIEL's style was copious, lucid, and flowing. His arguments were richly brodered with gems of fancy and erudition. In his lighter vein when he ranged from grave to gay, from lively to severe, he was charming, with a most pleasing and attractive humor and many deft and happy turns of speech. But he never lost the grave dignity of his manner, or, with infinite jest, undertook to "set the table on a roar."

His eloquence, brightening whatever it tried,
Whether reason, or fancy, the gay or the grave,
Was as rapid, as deep, and as brilliant a tide
As ever bore freedom aloft on its wave.

He had the ear of the Senate whenever he rose to speak, for he never failed to bring to his subject the results of wide reading, profound reflection, and careful study. Most fitly may that be said of him which he said of another: He was not the servant of personal ambition or of private ends. He was faithful to truth as he saw it; to duty as he understood it; to constitutional liberty as he conceived it. On March 8, 1910, the news ran through Virginia that he had suffered a stroke of paralysis at Daytona, and the whole State thrilled with voiceless apprehension. A little later he was brought home to Lynchburg, and on June 29 "God's finger touched him and he slept." The rest is silence.

It is well, ere "history fades into fable and fact becomes clouded with doubt and controversy," that the men of this generation should set down with loving intent, if halting

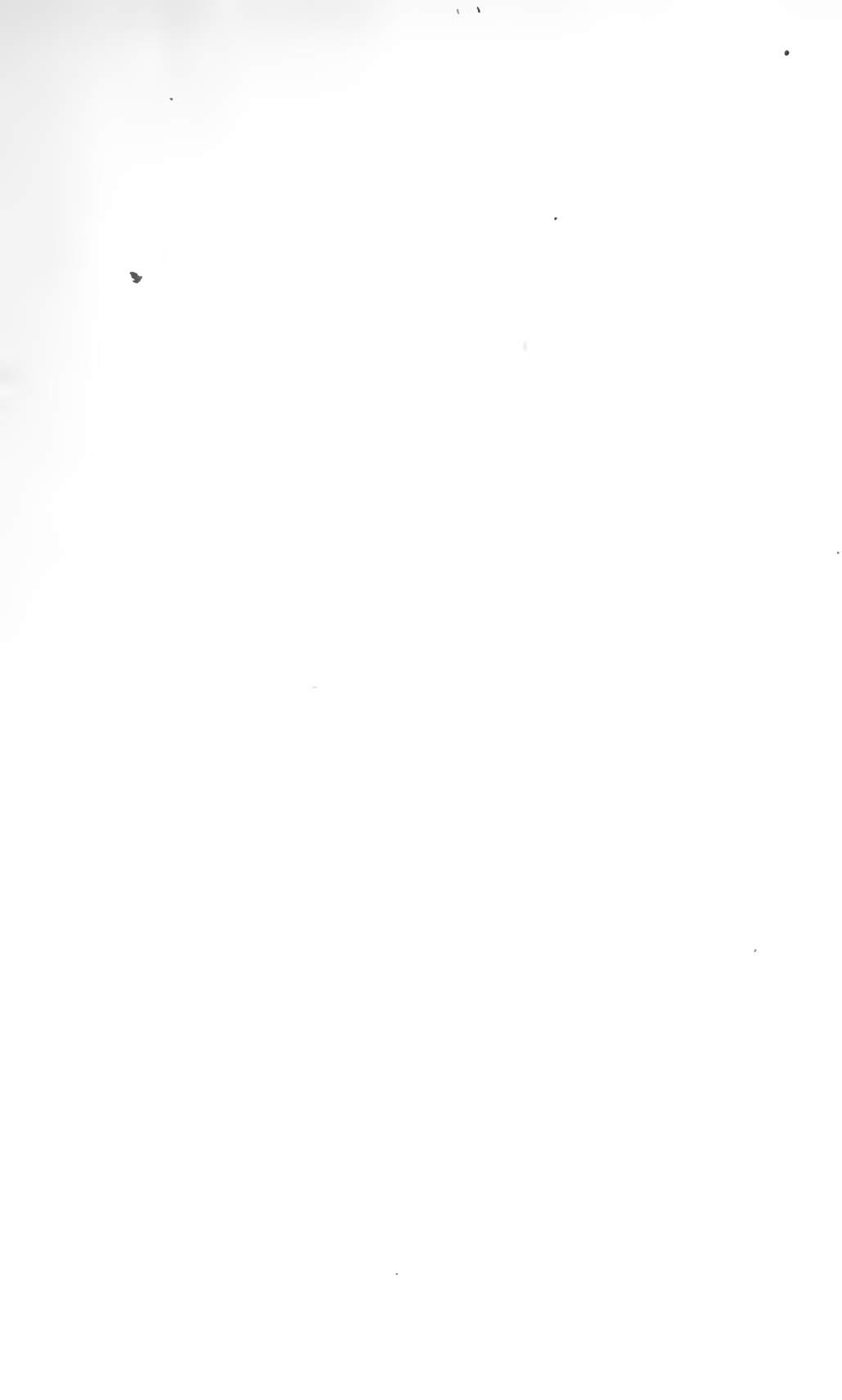
MEMORIAL ADDRESSES: SENATOR DANIEL

phrase, the abundant excellencies of this great man's life. He was indeed a

Statesman, yet friend to Truth, of soul sincere,
To action faithful, and in honor clear,
Who broke no promise, served no private end,
Who gained high honors, yet lost no friend.

Maj. DANIEL at the time of his death was not old as men reckon age. His natural powers were not abated nor his eye dimmed. He had not reached the concluding winter of life, merely its sober autumn, when death smote him and ended his activities. His life had been a notable one. He had known all the distinction that an admiring people could heap upon him and all the joy that springs from untiring toil. Within the years of his public service he had compressed many crowded hours of glorious life. That life has been, and will be, an inspiration to thousands who turn away from the sordid bickerings of time-servers and place-hunters to the contemplation of its beauty and purity. We will not soon look upon its like again. In the starry heavens which proclaim the handiwork of God, revolve great orbs whose fires have long been quenched, but to the eye of man they are still visible. Their light streams earthward in apparently undiminished splendor. It is so with our dead friend. The radiant glory of his life is not ended with death.





OCT 21 1949

